

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
BROOKLYN, NEW YORK

| | | |
|---|---|----------------------------|
| East West Printing Inc. |) | |
| |) | |
| <i>Plaintiff</i> |) | Civil Action No. 19-cv-709 |
| |) | |
| v. |) | |
| |) | |
| UNITED STATES CITIZENSHIP AND |) | |
| IMMIGRATION SERVICES; |) | |
| |) | |
| |) | |
| Lee F. CISSNA, Director |) | |
| U.S. Citizenship and Immigration Services |) | |
| |) | |
| <i>Defendants.</i> |) | |

COMPLAINT

Introduction

1. Plaintiff, East West Printing Inc., a company headquartered in Flushing, NY, challenges the unlawful denial of an employment-based immigrant visa petition seeking to classify the Beneficiary, Baha Zurrianto, as an employment-based immigrant under 8 U.S.C. § 1153(b)(2)(A), as a member of a profession holding an advanced degree.

2. Under the plain language of 20 C.F.R. § 656.17(l)(5), if an employer is a closely held corporation or partnership in which an alien has an ownership interest, *or* if there is a familial relationship between the stockholders, corporate officers, incorporators, or partners, and the alien, *or* if the alien is one of a small number of employees, the employer in the event of an audit must be able to demonstrate the existence of a bona fide job opportunity, *i.e.*, the job is available to all U.S. workers, and must provide to the Certifying Officer documentation of any familial relationship between the employees and the alien if the alien is one of 10 or fewer employees.

3. The Department of Labor certified the Plaintiff's labor certification filed on behalf of the Beneficiary on January 22, 2015. On March 18, 2015, the Plaintiff filed an I-140 Immigrant Petition for Alien Worker ("I-140 Petition") on behalf of the Beneficiary. On December 16, 2017, U.S. Citizenship and Immigration Services ("USCIS") issued a Notice of Intent to Deny ("NOID") the Plaintiff's I-140 Petition seeking documentation to show that no familial, business, or other close relationship exists between the Plaintiff's sole owner, Yopie Sioeng, and the Beneficiary due to a common residential address. In response to the NOID, the Plaintiff submitted corporate ownership documents to demonstrate that the Beneficiary does not have any ownership interest nor any familial relationship with the owners, stockholders, partners, corporate officers, or incorporators of the Plaintiff, East West Printing Inc. The Plaintiff also submitted an affidavit confirming that the Beneficiary was a tenant at his mother-in-law's residence. The affidavit confirmed that Mr. Sioeng used his mother-in-law's address as a mailing address while he was living abroad in Hong Kong. The affidavit also confirmed that Mr. Sioeng is not related to the Beneficiary by blood or marriage.

4. Despite record evidence demonstrating that no familial or business relationship exists between the Plaintiff and the Beneficiary, USCIS erroneously denied the visa petition and revoked the ETA Form 9089 on January 26, 2018, concluding that the Plaintiff failed to disclose "Mr. Sieong's relationship to the beneficiary, either personally or through Mr. Sieong's mother-in-law, in the petitioners application for labor certification, ETA Form 9089." USCIS failed to consider the evidence submitted by the Plaintiff demonstrating that no familial or business relationship ever existed between the Plaintiff and the Beneficiary.

5. USCIS's erroneous interpretation and corresponding denial of Plaintiff's immigrant visa petition conflicts with the plain language of the statute and regulations and violates the

prohibition against agency actions that are arbitrary and capricious and contrary to law under the Administrative Procedure Act. As such, the Court should vacate the denial and order that Defendants approve Plaintiff's immigrant visa petition.

Jurisdiction and Venue

6. This case arises under the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 *et seq.* and the Administrative Procedure Act (APA), 5 U.S.C. § 701 *et seq.* This Court has jurisdiction pursuant to 28 U.S.C. § 1331, as a civil action arising under the laws of the United States, and 28 U.S.C. § 1361. This Court also has authority to grant declaratory relief under 28 U.S.C. §§ 2201-02, and injunctive relief under 5 U.S.C. § 702, and 28 U.S.C. § 1361. The United States has waived sovereign immunity under 5 U.S.C. § 702.

7. Venue is proper in this judicial district under 28 U.S.C. § 1391(e)(1) because this is a civil action in which the Defendants are acting in their official capacity as agents of the United States and the Plaintiff's headquarters are in Flushing, NY, which is located within the Eastern District of New York.

Parties

8. Plaintiff, East West Printing, Inc., d/b/a 5 Stars Offset Printing, is a newspaper publishing and printing company headquartered in Flushing, NY.

9. Defendant U.S. Citizenship and Immigration Services ("USCIS") is a component of the U.S. Department of Homeland Security ("DHS"), 6 U.S.C. § 271, and an "agency" within the meaning of the APA, 5 U.S.C. § 551(1). USCIS is responsible for the adjudication of immigration benefits applications, including immigrant visa petitions, and denied East West Printing, Inc.'s immigrant visa petition. The Nebraska Service Center and the California Service Center are two USCIS offices that adjudicate petitions and applications for immigration benefits.

10. Defendant, Lee F. CISSNA, is being sued in his professional capacity as Director of USCIS. In this role, he oversees the adjudication of immigration benefits and establishes and implements governing policies. He has ultimate responsibility for the adjudication of East West Printing, Inc.'s petition.

Legal Framework

11. Congress established two primary bases for immigration under the current system: promoting family unity and attracting workers with various skill sets to bolster the U.S. economy. The INA provides for the allocation of immigrant visas in five (5) preference categories for categories of noncitizen beneficiaries based on their employment. 8 U.S.C. §§ 1153(b)(1)-(5).

12. Classification under one of these five employment-based categories is obtained by filing an immigrant visa petition with USCIS on Form I-140. 8 U.S.C. §1154(a)(1)(F). An approved visa petition constitutes a determination that the beneficiary is “eligible for preference under subsection (a) or (b) of section 203 [relating to family and employment-based visa classifications]”. 8 U.S.C. §1154(b). Petition approval is a prerequisite to obtaining lawful permanent resident status.

13. The employment-based second preference category includes members of a profession holding an advanced degree. See 8 U.S.C. § 1153(b)(2)(A). An alien is inadmissible if seeking entry to perform skilled labor as a member of a profession holding an advanced degree unless the Secretary of Labor has certified to the Secretary of State and Attorney General through the labor certification process undertaken by a petitioner that: (1) there are not sufficient U.S. workers able, willing, available and qualified at the time and place of alien entry; and (2) the alien will not displace U.S. workers or adversely affect the wages or working conditions of U.S. workers. See INA §§212(a)(5)(A) & (p); 8 U.S.C. § 1182(a)(5)(A); 20 C.F.R. pt. 656.

14. As part of the labor certification process, the employer must establish, if required, that a valid employment relationship exists, and that a bona fide job offer is available to U.S. workers. 20 C.F.R. § 656.17(l).

15. If an employer is a closely held corporation or partnership in which an alien has an ownership interest, *or* if there is a familial relationship between the stockholders, corporate officers, incorporators, or partners, and the alien, *or* if the alien is one of a small number of employees, the employer in the event of an audit must be able to demonstrate the existence of a bona fide job opportunity, *i.e.*, the job is available to all U.S. workers, and must provide to the Certifying Officer documentation of any familial relationship between the employees and the alien if the alien is one of 10 or fewer employees. 20 C.F.R. § 656.17(l)(5)(emphasis added).

Factual Allegations

16. East West Printing, Inc., is a newspaper publishing and printing company headquartered in Flushing, NY. The company employs seven (7) employees.

17. The Beneficiary had been employed as a Mechanical Engineer under H-1B classification with International Daily News Inc. in Monterey Park, California pursuant to grants of H-1B status valid from October 2006 until January 25, 2017.

18. On January 25, 2013, the Plaintiff filed an Application for Permanent Employment Certification (ETA Form 9089) on behalf of the Beneficiary under the EB-2 category for the role of “Mechanical Engineer, Bayside Specialist.” On July 9, 2013, the Department of Labor issued an audit in connection with the Plaintiff’s ETA Form 9089 seeking a copy of the submitted ETA Form 9089; the Notice of Filing documentation; and recruitment documentation. The Plaintiff responded to the audit request and the Department of Labor subsequently certified the ETA Form 9089 on January 22, 2015.

19. On March 18, 2015, the Plaintiff filed an I-140 Petition on behalf of the Beneficiary for the permanent job offer of Mechanical Engineer, Bayside Specialist.

20. On July 25, 2016, USCIS issued a Request for Evidence (“RFE”) in connection with the Plaintiff’s I-140 Petition seeking evidence that the Plaintiff has the ability to pay the Beneficiary the offered wage. The Plaintiff submitted a response the RFE on October 12, 2016 including evidence demonstrating the Plaintiff’s ability to pay the offered wage.

21. On December 16, 2017, USCIS issued a NOID seeking documentation to show that no familial, business, or other close relationship exists between the Plaintiff and the Beneficiary. In the NOID, USCIS alleges that a familial relationship may exist between the Plaintiff and the Beneficiary because the Plaintiff’s signatory, Yopie Sioeng, was listed as the “in Care of” person on the Beneficiary previous H-1B petitions filed by International Daily News Inc. and information the agency obtained through a LexisNexis Accurant search which suggested that the Plaintiff and Yopie Sioeng shared a residential address.

22. On January 12, 2018, the Plaintiff submitted a response to the NOID including evidence that the Plaintiff and the Beneficiary have no familial, business, or other close relationship including: (1) corporate ownership documents for East West Printing Inc. including a stock certificate; corporate tax returns for 2016 and 2015; and New York State Department of State, Division of Corporations entity information confirming that East West Printing Inc. is 100% owned by Yopie Sioeng and that Godfrey Wong and Yopie Sieong are East West Printing Inc.’s corporate officers; (2) corporation ownership documents for International Daily News Inc. including Articles of Incorporation; State of California Statement of Information for Domestic Stock Corporation; and corporate tax return confirming that International Daily News Inc. is wholly owned by six siblings of the Elnitiarta family; and (3) documentation regarding the

Beneficiary's previous residential addresses in California including rent payments, driver's licenses, and a statement by Yopie Sieong affirming that the common address is based on the fact that the Beneficiary was a tenant at his mother-in-law's residence at 1816 S Gladys Avenue, San Gabriel, CA 91716 and that he used his mother-in-law's address as a mailing address while he was living abroad in Hong Kong. Yopie Sieong's statement also confirmed that the Beneficiary is not related to him by blood or marriage.

23. On January 26, 2018, USCIS denied the Plaintiff's I-140 Petition asserting that East West Printing Inc. failed to submit independent and objective documentary evidence supporting Mr. Sieong's statement. According to USCIS, the Plaintiff also "failed to provide an explanation or supporting evidence discussing why Mr. Sieong's name was provided as the "in care of" addressee for five previous petitions filed on behalf of the Mr. Baha Zurrianto."

24. On February 20, 2018, the Plaintiff filed an I-290B, Motion to Reopen the denied I-140 Petition along with affidavits from Mr. Sieong and his mother-in-law, Nancy La, confirming that the Beneficiary was a tenant at Ms. La's residence from October 1, 2016 to December 31, 2017; Mr. Sieong never resided at Ms. La's residence; and that Mr. Sieong has no familial relationship with Mr. Baha Zurrianto.

25. On May 1, 2018, USCIS issued a decision which affirmed the previous denial.

Exhaustion of Remedies

26. USCIS' January 26, 2018 denial of East West Printing, Inc.'s immigrant visa petition constitutes a final agency action under the APA, 5 U.S.C. § 701, *et seq.* Neither the INA

nor DHS regulations at 8 C.F.R. § 103.3(a), require an administrative appeal of the denial.¹ Accordingly, East West Printing, Inc. has no administrative remedies to exhaust.

27. Under 5 U.S.C. §§ 702 and 704, East West Printing Inc. has suffered a “legal wrong” and has been “adversely affected or aggrieved” by agency action for which there is no adequate remedy at law.

CAUSE OF ACTION

COUNT ONE

Administrative Procedure Act Violation (5 U.S.C. § 706)

28. The allegations contained in Paragraphs 1 through 27 above are repeated and incorporated as though fully set forth herein.

29. Defendants’ denial of Plaintiff’s immigrant visa petition constitutes a final agency action that is arbitrary and capricious, an abuse of discretion, and not in accordance with the law.

30. USCIS’ conclusion that the Plaintiff and the Beneficiary have a familial relationship based on a common residential address is not in accordance with the law as the regulations plainly state that “if there is a familial relationship between the stockholders, corporate officers, incorporators, or partners, and the alien...the employer in the event of an audit must be able to demonstrate the existence of a bona fide job opportunity, *i.e.*, the job is available to all U.S. workers, and must provide to the Certifying Officer documentation of any familial relationship between the employees and the alien if the alien is one of 10 or fewer employees.” 20 C.F.R. § 656.17(l)(5).

¹ East West Printing, Inc. filed an I-290B Motion to Reopen the denied I-140 Petition. On May 1, 2018, USCIS issued a decision which affirmed the previous denial. As 33 days have past since the date of this decision, the Plaintiff is unable to file a Motion to Reopen or Reconsider.

31. USCIS' denial of the Plaintiff's I-140 petition and revocation of the ETA 9089 for "failing to disclose Mr. Sioeng's relationship to the beneficiary, either personally or through Mr. Sioeng's mother in law, in the petitioner's application or the labor certification" is not in accordance with the law as there is no reference in the regulations to a requirement for employers to submit evidence of non-familial relationships or disclose non-familial relationships to demonstrate the existence of a bona fide job opportunity. See 20 C.F.R. § 656.17(l)(5).

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court grant the following relief:

1. Declare that Defendants' interpretation of "familial relationship" in 20 C.F.R. § 656.17(l)(5) violates the APA, the INA, and Federal regulations;
2. Vacate Defendants' denial of the immigrant visa petition and revocation of the ETA 9089 filed by East West Printing Inc. on Mr. Baha Zurrianto's behalf;
3. Order Defendants to promptly approve the immigrant visa petition and reinstate the certified ETA 9089;
4. Award Plaintiff its costs in this action; and
5. Grant any other relief at law and in equity as justice may require.

Respectfully submitted,

/s/ Carissa Tyler, Esq.
Carissa Tyler, Esq.
Alexander G. Rojas, Esq.
Barst Mukamal & Kleiner LLP
2 Park Avenue 19th Floor
New York, NY 10016
(212) 686-3838 Telephone
(212) 481-9362 Facsimile
ctyler@bmkllp.com
arojas@bmkllp.com
Counsel for Plaintiff

LIST OF EXHIBITS

Exhibit 1 – USCIS’ I-140 Denial

Exhibit 2 – USCIS’ I-290B Denial

Exhibit 3 – USCIS’ NOID

Exhibit 4 – Corporate Ownership Documents for East West Printing Inc.

Exhibit 5 – Affidavit from Yopie Sieong submitted in support of NOID Response

Exhibit 6 – Canceled Checks for Rent Payment from January 2017 to December 2017 for Baha Zurrianto’s Previous Residential Address submitted in support of NOID Response

Exhibit 7 – Baha Zurrianto’s Driver’s License with Previous Residential Address submitted in support of NOID Response

Exhibit 8 – Affidavit from Yopie Sieong submitted in support of I-290B

Exhibit 9 – Affidavit from Nancy La submitted in support of I-290B

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of February 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system.

/s/ Carissa Tyler, Esq.
Carissa Tyler, Esq.
Alexander G. Rojas, Esq.
Barst Mukamal & Kleiner LLP
2 Park Avenue 19th Floor
New York, NY 10016
(212) 686-3838 Telephone
(212) 481-9362 Facsimile
ctyler@bmkllp.com
arojas@bmkllp.com
Counsel for Plaintiff

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

East West Printing Inc.

(b) County of Residence of First Listed Plaintiff Queens
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Carissa Tyler, Esq., Alexander G. Rojas, Esq., Barst Mukamal & Kleiner
LLP, 2 Park Avenue, 19th Floor, New York, NY 10016; T: 212-686-3838

DEFENDANTS

USCIS, et. al.

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES | |
|---|--|--|---|---|--|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice | PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input checked="" type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education | PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | | | |

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
5 U.S.C. § 701

Brief description of cause:
Declaratory relief under 28 U.S.C. §§ 2201-02.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE
02/05/2019

SIGNATURE OF ATTORNEY OF RECORD
/s/ Carissa Tyler, Esq. /s/ Alexander G. Rojas, Esq.

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

CERTIFICATION OF ARBITRATION ELIGIBILITY

Local Arbitration Rule 83.10 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

Case is Eligible for Arbitration ☐

I, _____, counsel for _____, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

☐
☐
☐

monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
the complaint seeks injunctive relief,
the matter is otherwise ineligible for the following reason

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

RELATED CASE STATEMENT (Section VIII on the Front of this Form)

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that " A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? ☐ Yes ☒ No
- 2.) If you answered "no" above:
 - a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? ☐ Yes ☒ No
 - b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? ☒ Yes ☐ No
 - c) If this is a Fair Debt Collection Practice Act case, specify the County in which the offending communication was received: _____

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? ☐ Yes ☐ No

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

BAR ADMISSION

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

☒

Yes

☐

No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

☐

Yes

(If yes, please explain

☒

No

I certify the accuracy of all information provided above.

Signature: /s/ Carissa Tyler, Esq. /s/ Alexander G. Rojas, Esq.

Eastern District of New York

Civil Action No. 19-cv-709

Signature of Clerk or Deputy Clerk

Civil Action No. 19-cv-709

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

for the

East West Printing Inc.

Plaintiff(s)

V.

USCIS, et. al.

Defendant(s)

Civil Action No. 19-cv-709

To: *(Defendant's name and address)* Lee Francis Cissna
USCIS
Office of the Chief Counsel
20 Massachusetts Avenue, NW
Washington, DC 20529

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Carissa Tyler, Esq.
Alexander G. Rojas, Esq.
Barst Mukamal & Kleiner LLP
2 Park Avenue 19th Floor
New York, NY 10016

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. 19-cv-709

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

for the

East West Printing Inc.

Plaintiff(s)

V.

USCIS, et. al.

Defendant(s)

Civil Action No. 19-cv-709

To: *(Defendant's name and address)*

USCIS
U.S. Attorney
271 Cadman Plaza E
Brooklyn, NY 11201

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Carissa Taylor, Esq.

Carissa Tyler, Esq.
Alexander G. Rojas, Esq.
Barst Mukamal & Kleiner LLP
2 Park Avenue 19th Floor
New York, NY 10016

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. 19-cv-709

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

for the

East West Printing Inc.

Plaintiff(s)

V.

USCIS, et. al.

Defendant(s)

Civil Action No. 19-cv-709

To: (Defendant's name and address) USCIS
Office of the General Counsel
U.S. Department of Homeland Security
245 Murray Lane, SW
Mail Stop 0485
Washington, DC 20528-0485

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff’s attorney, whose name and address are:

Carissa Tyler, Esq.
Alexander G. Rojas, Esq.
Barst Mukamal & Kleiner LLP
2 Park Avenue 19th Floor
New York, NY 10016

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. 19-cv-709

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

for the

East West Printing Inc.

Plaintiff(s)

V.

USCIS, et. al.

Defendant(s)

Civil Action No. 19-cv-709

To: *(Defendant's name and address)* Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Carissa Tyler, Esq.
Alexander G. Rojas, Esq.
Barst Mukamal & Kleiner LLP
2 Park Avenue 19th Floor
New York, NY 10016

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. 19-cv-709

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Exhibit 1 – USCIS’ I-140 Denial

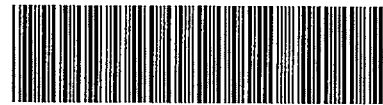
January 26, 2018

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
P.O. Box 82521
Lincoln, NE 68501-2521



U.S. Citizenship
and Immigration
Services

EAST WEST PRINTING INC
c/o ALEXANDER ROJAS
BARST MUKAMAL KLEINER LLP
2 PARK AVE 19TH FLOOR
NEW YORK, NY 10016
US



SRC1590243766



A206-962-025

RE: BAHA ZURRIANTO
I-140, Immigrant Petition for Alien Worker

DECISION

Reference is made to this Immigrant Petition for Alien Worker (Form I-140 petition) filed by East West Printing INC., the petitioner, on behalf of BAHA ZURRIANTO on March 13, 2015. This petition seeks to classify the beneficiary as an employment-based immigrant in accordance with Section 203(b)(2) of the Immigration and Nationality Act (INA). After consideration, it is the decision of U.S. Citizenship and Immigration Services (USCIS) to deny this Form I-140 petition.

Section 203(b)(2) of the Immigration and Nationality Act, as amended, provides for the allocation of immigrant visas to

qualified immigrants who are members of the professions holding advanced degrees or their equivalent or who because of their exceptional ability in the sciences, arts, or business, will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States and whose services in the sciences, arts, professions, or business are sought by an employer in the United States.

The record indicates that the petitioner desires the services of the beneficiary as a Mechanical Engineer/Easyprint Specialist.

Since no representations have been made that the beneficiary has exceptional ability, consideration of this petition will be limited to the issue of whether the beneficiary is a member of a profession holding an advanced degree.

On December 16, 2017, USCIS issued a Notice of Intent to Deny ("NOID") seeking further documentation to show that no familial, business, or other close relationship exists between the petitioner or beneficiary. The petitioner's response was received on January 12, 2018 and has been added to the record.

In response to the notice of intent to deny, the petitioner addressed why "no" had been marked for Part C, Question 9 of Form ETA 9089, but only partially answered the request for evidence. The petitioner submitted documentation showing that Yopie Sioeng is the chief executive and owner of 100% of the voting shares of East West Printing Inc., the petitioning company. The petitioner listed seven employees on both the Form ETA 9089 and Form I-140.

The petitioner also submitted a written explanation by Mr. Sioeng concerning why he and Baha Zurrianto, the beneficiary, shared the same address at a house that Mr. Sioeng asserts is owned by his mother-in-law; however, this written explanation was not accompanied by independent and objective documentary evidence supporting Mr. Sioeng's statement. The petitioner also failed to provide an explanation and substantive supporting evidence discussing why Mr. Sioeng's name was provided as the "in care of" addressee for five previous petitions filed on behalf of Mr. Baha Zurrianto. Simply going on record without substantive evidence to support statements is not sufficient in these proceedings. See *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (BIA 1972).

It is incumbent upon the petitioner to resolve any inconsistencies in the record by independent objective evidence, and attempts to explain or reconcile such inconsistencies, absent competent objective evidence pointing to where the truth, in fact, lies, will not suffice. Doubt cast on any aspect of the petitioner's proof may lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa petition. See *Matter of Ho*, 19 I&N Dec. 582 (BIA 1988). Based on the inconsistencies in the record, it appears that the petitioner misrepresented a material fact by failing to disclose Mr. Sioeng's relationship to the beneficiary, either personally or through Mr. Sioeng's mother-in-law, in the petitioner's application for the labor certification, ETA Form 9089, submitted with the present petition.

Title 20 CFR Section 656.17 states, in pertinent part:

(1) *Alien influence and control over job opportunity.* If the employer is a closely held corporation or partnership in which the alien has an ownership interest, or if there is a familial relationship between the stockholders, corporate officers, incorporators, or partners, and the alien, or, if the alien is one of a small number of employees, the employer in the event of an audit must be able to demonstrate the existence of a bona fide job opportunity, *i.e.*, the job is available to all U.S. workers, and must provide to the Certifying Officer, the following supporting documentation...If the alien is one of 10 or fewer employees, the employer must document any family relationship between the employees and the alien.

Title 20 CFR Section 656.30(d) states the following regarding fraud or willful misrepresentation in labor certification applications:

a labor certification is subject to invalidation by the DHS or by a Consul of the Department of State upon a determination, made in accordance with those agencies' procedures or by a court, of fraud or willful misrepresentation of a material fact involving the labor certification application.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the INA, 8 U.S.C. § 1361. The petitioner has not sustained that burden.

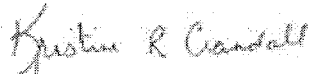
In view of the above, the petition is denied and the ETA Form 9089 is revoked.

If you disagree with this decision, you may appeal to the Administrative Appeals Office (AAO) by filing a Notice of Appeal or Motion (Form I-290B) within **33** days of the date of this decision. Alternatively, you may use Form I-290B to submit a motion to reopen or reconsider. For the latest information on filing location, fee, and other requirements, please review the Form I-290B instructions at <http://www.uscis.gov/forms>, call our National Customer Service Center at 1-800-375-5283, or visit your local USCIS office. If USCIS does not receive a properly filed appeal, this decision will become final.

This decision does not prevent you from filing any petition or application in the future.

The Small Business Regulatory Enforcement and Fairness Act established the Office of the National Ombudsman (ONO) at the Small Business Administration. The ONO assists small businesses with issues related to federal regulations. If you are a small business with a comment or complaint about regulatory enforcement, you may contact the ONO at www.ombudsman.sba.gov or phone 202-205-2417 or fax 202-481-5719.

Sincerely,



Kristine R. Crandall, Acting
Director
Officer: 0490



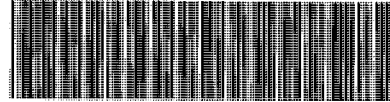
Exhibit 2 – USCIS' I-290B Denial

May 1, 2018

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
P.O. Box 82521
Lincoln, NE 68501-2521



**U.S. Citizenship
and Immigration
Services**



SRC1890278973

ZURRIANTO BAHA
c/o ALEXANDER G ROJAS
BARST MUKAMAL AND KLEINER LLP
2 PARK AVENUE
NEW YORK, NY 10016

RE:
I-290B, Notice of Appeal or Motion

DECISION

On February 20, 2018, the petitioner filed Form I-290B, Notice of Appeal or Motion. The petitioner seeks to have USCIS reopen the January 26, 2018 denial of Form I-140, Immigrant Petition for Alien Worker, (SRC1590243766).

Title 8, Code of Federal Regulations, Part 103.5(a)(2) states, in pertinent part, that: "A motion to reopen must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence."

USCIS has reviewed this motion. It meets the requirements of 8 CFR 103.5(a)(2), concerning the proper filing of a motion. Accordingly, the request to reopen these proceedings will be, and is hereby, granted.

The petition sought to classify the beneficiary as a employment-based immigrant under section with 203(b)(2) of the Immigration and Nationality Act, as amended. The petition was denied because the petitioner failed on the labor certification, ETA 9089, to disclose the close relationship that existed between Mr Sioeng and the beneficiary.

USCIS acknowledges that you submitted affidavits from Yopie Sieong, and Nancy La. A complete review of the record of proceeding, including this motion, indicates that the grounds for denial have not been overcome.

Accordingly, IT IS ORDERED that the previous decision will be, and is hereby, affirmed. The petition is denied.

If you disagree with this decision, you may appeal to the Administrative Appeals Office (AAO) by filing a Notice of Appeal or Motion (Form I-290B) within **33** days of the date of this decision. Alternatively, you may use Form I-290B to submit a motion to reopen or reconsider. For the latest information on filing location, fee, and other requirements, please review the Form I-290B instructions at <http://www.uscis.gov/forms>, call our National Customer Service Center at 1-800-375-5283, or visit your local USCIS office. If USCIS does not receive a properly filed appeal, this decision will become final.

Sincerely,



Kristine R. Crandall, Acting
Director
Officer: EX0413



Exhibit 3 – USCIS’ NOID

December 16, 2017

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
P.O. Box 82521
Lincoln, NE 68501-2521



U.S. Citizenship
and Immigration
Services

EAST WEST PRINTING INC
c/o ALEXANDER ROJAS
BARST MUKAMAL KLEINER LLP
2 PARK AVE 19TH FLOOR
NEW YORK, NY 10016
US



SRC1590243766



A206-962-025

RE: BAHA ZURRIANTO
I-140, Immigrant Petition for Alien Worker

NOTICE OF INTENT TO DENY

The USCIS is in possession of adverse information that you may be unaware of regarding your Form I-140, Immigrant Petition for Alien Worker, filed on behalf of BAHA ZURRIANTO on March 13, 2015. Pursuant to Title 8, Code of Federal Regulations, Part 103.2(b)(16)(i), we hereby provide you with such information before rendering a final decision.

20 CFR Section 656.30(d) states the following regarding fraud or willful misrepresentation in labor certification applications:

After issuance, a labor certification may be revoked by ETA using the procedures described in Section 656.32. Additionally, after issuance, a labor certification is subject to invalidation by the DHS or by a Consul of the Department of State upon a determination, made in accordance with those agencies' procedures or by a court, of fraud or willful misrepresentation of a material fact involving the labor certification application.

Part C, Question 9 of Form ETA 9089, which was filed in support of Form I-140 and signed by the beneficiary, petitioner and its representative, states the following:

Is the employer a closely held corporation, partnership or sole proprietorship in which the alien has an ownership interest, or is there a familial relationship between the owners, stockholders, partners, corporate officers, incorporators and the alien?

The petitioner indicated no such relationship existed. In the *Matter of Silver Dragon Chinese Restaurant*, 19 I&N Dec. 401, it was found that an occupational preference petition may be filed on behalf of a prospective employee who is a shareholder in the corporation; however, the prospective employer's interest in the corporation is a material fact to be considered in determining whether the job being offered was really open to all qualified applicants. A relationship invalidating a bona fide job offer may arise when the beneficiary is related to the petitioner by "blood" or it may "be financial, by marriage, or through friendship." See *Matter of Summart* 374, 00-INA-93 (BALCA May 15, 2000).

20 CFR 656.17 states , in pertinent part:

- Alien influence and control over job opportunity. If the employer is a closely held corporation or partnership in which the alien has an ownership interest, or if there is a familial relationship between the stockholders, corporate officers, incorporators, or partners, and the alien, or if the alien is one of a small number of employees, the employer in the event of an audit must be able to demonstrate the ability to demonstrate the existence of a bona fide job opportunity, i.e., the job is available to all U.S. workers. Please submit the following supporting documentation:
 1. A copy of the articles of incorporation, partnership agreement, business license or similar documents that establish the business entity.
 2. A list of all corporate/company officers and shareholders/partners of the corporation/firm/business, their titles and positions in the business' structure, and a description of the relationships to each other and the beneficiary.
 3. The financial history of the petitioner, including the total investment in the business entity and the amount of investment of each officer, incorporator/partner and the beneficiary.
 4. The name of the person(s) with primary responsibility for interviewing and hiring applicants, and those with control or influence over hiring decisions involving the position for which labor certification is sought.
 5. If the alien is one of 10 or fewer employees, the employer must document any family relationship between the employees and the beneficiary.

It appears that beneficiary and the petitioner's signatory, Yopie Sioeng, have a pre-existing relationship nullifying the bona fides of the job offer. Yopie Sioeng served as the "in Care of" person on five of the I-129s filed on the beneficiary's behalf by International Daily News Inc. In addition, information obtained through a query of LexisNexis Accurint suggests that the two may be related based on two residential addresses in common.

Provide evidence explaining the reasons Yopie Sioeng was the "in Care of" person for the beneficiary 5 times. Also, the relationship between Yopie Sioeng and the beneficiary and why you shared residences.

In evaluating the beneficiary's qualifications, the Service must look to the job offer portion of the labor certification to determine the required qualifications for the position; the Service may not ignore a term of the labor certification, nor may it impose additional requirements. *See See also Madany v. Smith*, 696 F.2d 1008 (D.C. Cir. 1983); *K.R.K. Irvine, Inc. v. Landon*, 699 F.2d 1006 (9th Cir. Cal. 1983); *Stewart Infra-Red Commissary of Massachusetts, Inc. v. Coomey*, 661 F.2d 1 (1st Cir. 1981).

It is incumbent upon the petitioner to resolve any inconsistencies in the record by independent objective evidence, and attempts to explain or reconcile such inconsistencies, absent competent objective evidence pointing to where the truth, in fact, lies, will not suffice. Doubt cast on any aspect of the petitioner's proof may lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa petition. *See Matter of Ho*, 19 I&N Dec. 582 (BIA 1988).

A petitioner may not make material changes to a petition that has already been filed in an effort to make an apparently deficient petition conform to Service requirements. *Matter of Izummi*, 22 I&N Dec. 169 (Assoc. Comm. Examinations 1998)

In evaluating the beneficiary's qualifications, USCIS must look to the job offer portion of the labor certification to determine the required qualifications for the position; USCIS may not ignore a term of the labor certification, nor may it impose additional requirements. *See Matter of Silver Dragon*

Chinese Restaurant, 19 I&N Dec. 401, 406 (Comm. 1986). See also *Madany v. Smith*, 696 F.2d 1008 (D.C. Cir. 1983); *K.R.K. Irvine, Inc. v. Landon*, 699 F.2d 1006 (9th Cir. Cal. 1983); *Stewart Infra-Red Commissary of Massachusetts, Inc. v. Coomey*, 661 F.2d 1 (1st Cir. 1981).

Section 203(b)(2) of the Immigration and Nationality Act, as amended, provides for the allocation of immigrant visas to

qualified immigrants who are members of the professions holding advanced degrees or their equivalent or who because of their exceptional ability in the sciences, arts, or business, will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States and whose services in the sciences, arts, professions, or business are sought by an employer in the United States.

The record indicates that the petitioner desires the services of the beneficiary as a Mechanical Engineer/Easyprint Specialist.

Since no representations have been made that the beneficiary has exceptional ability, consideration of this petition will be limited to the issue of whether the beneficiary is a member of a profession holding an advanced degree.

Pursuant to section 291 of the INA, whenever any person makes an application for an immigration benefit, he shall bear the burden of proof to establish eligibility. Accordingly, the petitioner must prove by a preponderance of the evidence, in other words, that it is more likely than not, that the beneficiary is qualified for the benefit sought. See *Matter of E-M*, 20 I. & N. Dec. 77 (BIA 1989). After a careful review and analysis of all evidence within the record, USCIS finds that the petitioner has not established eligibility for the benefit sought.

The petitioner is hereby notified that it is the intent of USCIS to deny this Form I-140 petition. The petitioner has 30 (thirty) days (33 (thirty-three) days if this notice is received by mail) to submit evidence in response to this request. Any evidence submitted will be carefully reviewed. Failure to submit evidence in response to this notice of intent to deny will result in the denial of this Form I-140 petition based upon the reasons set forth in this notice.

Sincerely,

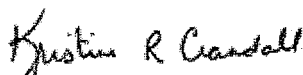

Kristine R. Crandall, Acting
Director
Officer: 0490

Exhibit 4 – Corporate Ownership Documents for East West Printing Inc.

INCORPORATED UNDER THE LAWS OF NEW YORK



EAST WEST PRINTING INC.

001

200

This Certificate

is hereby

issued

to

Two Hundred

Shares

of the common stock of the Corporation, the holder hereof is

entitled to the dividends and other rights and privileges of the common stock of the Corporation, and the holder hereof is

the 7th *day*

of DECEMBER 2010

A handwritten signature in dark ink, appearing to be "J. J. [unclear]", written over a horizontal line.

NY Department of State

Division of Corporations

Entity Information

The information contained in this database is current through December 19, 2017.

Selected Entity Name: EAST WEST PRINTING INC.

Selected Entity Status Information

Current Entity Name: EAST WEST PRINTING INC.

DOS ID #: 4032703

Initial DOS Filing Date: DECEMBER 20, 2010

County: QUEENS

Jurisdiction: NEW YORK

Entity Type: DOMESTIC BUSINESS CORPORATION

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

GODFREY WONG

13330 32ND RD

FLUSHING, NEW YORK, 11354

Chief Executive Officer

YOPIE SIOENG

1040 HAMPTON RD

ARCADIA, CALIFORNIA, 91006

Principal Executive Office

EAST WEST PRINTING INC.

1330 32ND AVE

FLUSHING, NEW YORK, 11354

Registered Agent

NONE

This office does not record information regarding the names and addresses of officers, shareholders or directors of nonprofessional corporations except the chief executive officer, if provided, which would be listed above. Professional corporations must include the name(s) and address(es) of the initial officers, directors, and shareholders in the initial certificate of incorporation, however this information is not recorded and only available by viewing the certificate.

| # of Shares | Type of Stock | \$ Value per Share |
|-------------|---------------|--------------------|
| 200 | No Par Value | |

*Stock information is applicable to domestic business corporations.

Name History

| Filing Date | Name Type | Entity Name |
|--------------|-----------|-------------------------|
| DEC 20, 2010 | Actual | EAST WEST PRINTING INC. |

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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July 11, 2017

FILING:

File your 2016 Form 1120, U.S. Corporation Income Tax Return, (or Form 1120-H, U.S. Income Tax Return for Homeowners Associations) with:

Department of the Treasury
Internal Revenue Service Center
Cincinnati, OH 45999-0012

File your 2016 Form 1120/1120-H on or before:

April 18, 2017

The IRS may treat tax returns and estimated tax payments that are lost in the mail as not filed on time, unless you send them by registered or certified mail. To avoid the risk of your tax return being lost, mail it via (1) certified U.S. mail, return receipt requested, or (2) one of the private delivery services listed in the IRS instructions under "When to File." Save the receipt, and you will be presumed to have timely filed your return - even if it is not received by the IRS.

TAX DUE OR REFUND, OVERPAYMENT, ESTIMATED TAXES:

1,284 Payment Due IRS including penalty, if any

If you are enrolled in the Electronic Federal Tax Payment System (EFTPS), payment should be made electronically. You must notify your bank at least one business day before the payment is due.

Form
Department of the Treasury
Internal Revenue Service**1120****U.S. Corporation Income Tax Return**

For calendar year 2016 or tax year beginning _____, 2016, ending _____, 20

OMB No. 1545-0123

2016**A Check if:**1a Consolidated return
(attach Form 851) ☐b Life/nonlife consoli-
dated return ☐2 Personal holding co.
(attach Sch. PH) ☐3 Personal service corp.
(see instructions) ☐4 Schedule M-3 attached ☐**TYPE
OR
PRINT**

Name

EAST WEST PRINTING INC

Number, street, and room or suite no. If a P.O. box, see instructions.

133-30 32ND AVE.

City or town, state, or province, country, and ZIP or foreign postal code

FLUSHING.

NY 11354

B Employer identification number

27-4311656

C Date incorporated

12/07/2010

D Total assets (see instructions)

\$ 386,707

E Check if: (1) ☐ Initial return (2) ☐ Final return (3) ☐ Name change (4) ☐ Address change

| | | | | |
|---|--|---|-----------|-----------|
| Income | 1a | Gross receipts or sales | 1a | 1,273,052 |
| | b | Returns and allowances | 1b | |
| | c | Balance. Subtract line 1b from line 1a | 1c | 1,273,052 |
| | 2 | Cost of goods sold (attach Form 1125-A) | 2 | 0 |
| | 3 | Gross profit. Subtract line 2 from line 1c | 3 | 1,273,052 |
| | 4 | Dividends (Schedule C, line 19) | 4 | |
| | 5 | Interest | 5 | |
| | 6 | Gross rents | 6 | |
| | 7 | Gross royalties | 7 | |
| | 8 | Capital gain net income (attach Schedule D (Form 1120)) | 8 | |
| | 9 | Net gain or (loss) from Form 4797, Part II, line 17 (attach Form 4797) | 9 | |
| 10 | Other income (see instructions—attach statement) | 10 | | |
| 11 | Total income. Add lines 3 through 10 | 11 | 1,273,052 | |
| Deductions (See instructions for limitations on deductions.) | 12 | Compensation of officers (see instructions—attach Form 1125-E) | 12 | |
| | 13 | Salaries and wages (less employment credits) | 13 | 269,880 |
| | 14 | Repairs and maintenance | 14 | 25,873 |
| | 15 | Bad debts | 15 | |
| | 16 | Rents | 16 | 98,401 |
| | 17 | Taxes and licenses | 17 | 26,565 |
| | 18 | Interest | 18 | 2 |
| | 19 | Charitable contributions | 19 | |
| | 20 | Depreciation from Form 4562 not claimed on Form 1125-A or elsewhere on return (attach Form 4562) | 20 | 33,134 |
| | 21 | Depletion | 21 | |
| | 22 | Advertising | 22 | |
| | 23 | Pension, profit-sharing, etc., plans | 23 | |
| | 24 | Employee benefit programs | 24 | 40,594 |
| | 25 | Domestic production activities deduction (attach Form 8903) | 25 | |
| | 26 | Other deductions (attach statement) Other Deductions Statement | 26 | 751,650 |
| | 27 | Total deductions. Add lines 12 through 26 | 27 | 1,246,099 |
| | 28 | Taxable income before net operating loss deduction and special deductions. Subtract line 27 from line 11. | 28 | 26,953 |
| 29a | Net operating loss deduction (see instructions) | 29a | 18,392 | |
| | 29b | Special deductions (Schedule C, line 20) | 29b | |
| c | Add lines 29a and 29b | 29c | 18,392 | |
| Tax, Refundable Credits, and Payments | 30 | Taxable income. Subtract line 29c from line 28. See instructions | 30 | 8,561 |
| | 31 | Total tax (Schedule J, Part I, line 11) | 31 | 1,284 |
| | 32 | Total payments and refundable credits (Schedule J, Part II, line 21) | 32 | |
| | 33 | Estimated tax penalty. See instructions. Check if Form 2220 is attached <input type="checkbox"/> | 33 | |
| | 34 | Amount owed. If line 32 is smaller than the total of lines 31 and 33, enter amount owed | 34 | 1,284 |
| | 35 | Overpayment. If line 32 is larger than the total of lines 31 and 33, enter amount overpaid | 35 | |
| | 36 | Enter amount from line 35 you want: Credited to 2017 estimated tax <input type="checkbox"/> Refunded <input type="checkbox"/> | 36 | |

**Sign
Here**

Signature of officer

Date

Title

May the IRS discuss this return
with the preparer shown below?
See instructions. ☐ Yes ☐ No**Paid
Preparer
Use Only**

Print/Type preparer's name

Preparer's signature

Date

PTIN

Firm's name **Self-Prepared**Check ☐ if
self-employed

Firm's address

Firm's EIN

Phone no.

For Paperwork Reduction Act Notice, see separate instructions.

BAA

REV 04/04/17 TTW

Form **1120** (2016)

Form 1120 (2016)

Schedule C**Dividends and Special Deductions** (see instructions)Page **2**

| | (a) Dividends received | (b) % | (c) Special deductions (a) x (b) |
|--|------------------------|------------------|----------------------------------|
| 1 Dividends from less-than-20%-owned domestic corporations (other than debt-financed stock) | | 70 | |
| 2 Dividends from 20%-or-more-owned domestic corporations (other than debt-financed stock) | | 80 | |
| 3 Dividends on debt-financed stock of domestic and foreign corporations | | see instructions | |
| 4 Dividends on certain preferred stock of less-than-20%-owned public utilities | | 42 | |
| 5 Dividends on certain preferred stock of 20%-or-more-owned public utilities | | 48 | |
| 6 Dividends from less-than-20%-owned foreign corporations and certain FSCs | | 70 | |
| 7 Dividends from 20%-or-more-owned foreign corporations and certain FSCs | | 80 | |
| 8 Dividends from wholly owned foreign subsidiaries | | 100 | |
| 9 Total. Add lines 1 through 8. See instructions for limitation | | | |
| 10 Dividends from domestic corporations received by a small business investment company operating under the Small Business Investment Act of 1958 | | 100 | |
| 11 Dividends from affiliated group members | | 100 | |
| 12 Dividends from certain FSCs | | 100 | |
| 13 Dividends from foreign corporations not included on line 3, 6, 7, 8, 11, or 12 | | | |
| 14 Income from controlled foreign corporations under subpart F (attach Form(s) 5471) | | | |
| 15 Foreign dividend gross-up | | | |
| 16 IC-DISC and former DISC dividends not included on line 1, 2, or 3 | | | |
| 17 Other dividends | | | |
| 18 Deduction for dividends paid on certain preferred stock of public utilities | | | |
| 19 Total dividends. Add lines 1 through 17. Enter here and on page 1, line 4 ▶ | | | |
| 20 Total special deductions. Add lines 9, 10, 11, 12, and 18. Enter here and on page 1, line 29b ▶ | | | |

REV 04/04/17 TTW

Form **1120** (2016)

Form 1120 (2016)

Schedule J Tax Computation and Payment (see instructions)Page **3****Part I—Tax Computation**

| | | | | |
|----|--|--------------------------|----|-------|
| 1 | Check if the corporation is a member of a controlled group (attach Schedule O (Form 1120)). See instructions | <input type="checkbox"/> | | |
| 2 | Income tax. Check if a qualified personal service corporation. See instructions | <input type="checkbox"/> | | |
| 3 | Alternative minimum tax (attach Form 4626) | | 2 | 1,284 |
| 4 | Add lines 2 and 3 | | 3 | |
| 5a | Foreign tax credit (attach Form 1118) | | 4 | 1,284 |
| b | Credit from Form 8834 (see instructions) | 5a | | |
| c | General business credit (attach Form 3800) | 5b | | |
| d | Credit for prior year minimum tax (attach Form 8827) | 5c | | |
| e | Bond credits from Form 8912 | 5d | | |
| 6 | Total credits. Add lines 5a through 5e | 5e | | |
| 7 | Subtract line 6 from line 4 | | 6 | |
| 8 | Personal holding company tax (attach Schedule PH (Form 1120)) | | 7 | 1,284 |
| 9a | Recapture of investment credit (attach Form 4255) | 9a | | |
| b | Recapture of low-income housing credit (attach Form 8611) | 9b | | |
| c | Interest due under the look-back method—completed long-term contracts (attach Form 8697) | 9c | | |
| d | Interest due under the look-back method—income forecast method (attach Form 8866) | 9d | | |
| e | Alternative tax on qualifying shipping activities (attach Form 8902) | 9e | | |
| f | Other (see instructions—attach statement) | 9f | | |
| 10 | Total. Add lines 9a through 9f | | 10 | |
| 11 | Total tax. Add lines 7, 8, and 10. Enter here and on page 1, line 31 | | 11 | 1,284 |

Part II—Payments and Refundable Credits

| | | | | |
|----|---|-----|----|-----|
| 12 | 2015 overpayment credited to 2016 | | 12 | |
| 13 | 2016 estimated tax payments | | 13 | |
| 14 | 2016 refund applied for on Form 4466 | | 14 | () |
| 15 | Combine lines 12, 13, and 14 | | 15 | |
| 16 | Tax deposited with Form 7004 | | 16 | |
| 17 | Withholding (see instructions) | | 17 | |
| 18 | Total payments. Add lines 15, 16, and 17 | | 18 | |
| 19 | Refundable credits from: | | 19 | |
| a | Form 2439 | 19a | | |
| b | Form 4136 | 19b | | |
| c | Form 8827, line 8c | 19c | | |
| d | Other (attach statement—see instructions) | 19d | | |
| 20 | Total credits. Add lines 19a through 19d | | 20 | |
| 21 | Total payments and credits. Add lines 18 and 20. Enter here and on page 1, line 32 | | 21 | |

Schedule K Other Information (see instructions)

| | | | |
|---|---|---|---|
| 1 | Check accounting method: a <input type="checkbox"/> Cash b <input checked="" type="checkbox"/> Accrual c <input type="checkbox"/> Other (specify) ▶ | | |
| 2 | See the instructions and enter the: | | |
| a | Business activity code no. ▶ 323100 | | |
| b | Business activity ▶ Printing | | |
| c | Product or service ▶ Printing services | | |
| 3 | Is the corporation a subsidiary in an affiliated group or a parent-subsidary controlled group? If "Yes," enter name and EIN of the parent corporation ▶ | | X |
| 4 | At the end of the tax year: | | |
| a | Did any foreign or domestic corporation, partnership (including any entity treated as a partnership), trust, or tax-exempt organization own directly 20% or more, or own, directly or indirectly, 50% or more of the total voting power of all classes of the corporation's stock entitled to vote? If "Yes," complete Part I of Schedule G (Form 1120) (attach Schedule G) | | X |
| b | Did any individual or estate own directly 20% or more, or own, directly or indirectly, 50% or more of the total voting power of all classes of the corporation's stock entitled to vote? If "Yes," complete Part II of Schedule G (Form 1120) (attach Schedule G) | X | |

REV 04/04/17 TTW

Form **1120** (2016)

Form 1120 (2016)

Schedule K Other Information (continued from page 3)Page **4****5** At the end of the tax year, did the corporation:

- a** Own directly 20% or more, or own, directly or indirectly, 50% or more of the total voting power of all classes of stock entitled to vote of any foreign or domestic corporation not included on **Form 851**, Affiliations Schedule? For rules of constructive ownership, see instructions. If "Yes," complete (i) through (iv) below.

| Yes | No |
|-----|----|
| | |
| | X |

| (i) Name of Corporation | (ii) Employer Identification Number (if any) | (iii) Country of Incorporation | (iv) Percentage Owned in Voting Stock |
|-------------------------|--|--------------------------------|---------------------------------------|
| | | | |
| | | | |
| | | | |

- b** Own directly an interest of 20% or more, or own, directly or indirectly, an interest of 50% or more in any foreign or domestic partnership (including an entity treated as a partnership) or in the beneficial interest of a trust? For rules of constructive ownership, see instructions. If "Yes," complete (i) through (iv) below.

| Yes | No |
|-----|----|
| | |
| | X |

| (i) Name of Entity | (ii) Employer Identification Number (if any) | (iii) Country of Organization | (iv) Maximum Percentage Owned in Profit, Loss, or Capital |
|--------------------|--|-------------------------------|---|
| | | | |
| | | | |
| | | | |

- 6** During this tax year, did the corporation pay dividends (other than stock dividends and distributions in exchange for stock) in excess of the corporation's current and accumulated earnings and profits? See sections 301 and 316

| Yes | No |
|-----|----|
| | |
| | X |

If "Yes," file **Form 5452**, Corporate Report of Nondividend Distributions.If this is a consolidated return, answer here for the parent corporation and on **Form 851** for each subsidiary.

- 7** At any time during the tax year, did one foreign person own, directly or indirectly, at least 25% of (a) the total voting power of all classes of the corporation's stock entitled to vote or (b) the total value of all classes of the corporation's stock?

For rules of attribution, see section 318. If "Yes," enter:

(i) Percentage owned ▶ _____ and (ii) Owner's country ▶ _____

| Yes | No |
|-----|----|
| | |
| | X |

(c) The corporation may have to file **Form 5472**, Information Return of a 25% Foreign-Owned U.S. Corporation or a Foreign Corporation Engaged in a U.S. Trade or Business. Enter the number of Forms 5472 attached ▶ _____

- 8** Check this box if the corporation issued publicly offered debt instruments with original issue discount ☐

If checked, the corporation may have to file **Form 8281**, Information Return for Publicly Offered Original Issue Discount Instruments.

- 9** Enter the amount of tax-exempt interest received or accrued during the tax year ▶ \$ _____
- 10** Enter the number of shareholders at the end of the tax year (if 100 or fewer) ▶ _____

- 11** If the corporation has an NOL for the tax year and is electing to forego the carryback period, check here ☐

If the corporation is filing a consolidated return, the statement required by Regulations section 1.1502-21(b)(3) must be attached or the election won't be valid.

- 12** Enter the available NOL carryover from prior tax years (don't reduce it by any deduction on line 29a.) ▶ \$ _____
- 13** Are the corporation's total receipts (page 1, line 1a, plus lines 4 through 10) for the tax year and its total assets at the end of the tax year less than \$250,000?

| Yes | No |
|-----|----|
| | |
| | X |

If "Yes," the corporation isn't required to complete Schedules L, M-1, and M-2. Instead, enter the total amount of cash distributions and the book value of property distributions (other than cash) made during the tax year ▶ \$ _____

- 14** Is the corporation required to file Schedule UTP (Form 1120), Uncertain Tax Position Statement? See instructions

If "Yes," complete and attach Schedule UTP.

| Yes | No |
|-----|----|
| | |
| | X |

- 15a** Did the corporation make any payments in 2016 that would require it to file Form(s) 1099?

- b** If "Yes," did or will the corporation file required Forms 1099?

| Yes | No |
|-----|----|
| X | |

- 16** During this tax year, did the corporation have an 80% or more change in ownership, including a change due to redemption of its own stock?

| Yes | No |
|-----|----|
| X | |

- 17** During or subsequent to this tax year, but before the filing of this return, did the corporation dispose of more than 65% (by value) of its assets in a taxable, non-taxable, or tax deferred transaction?

| Yes | No |
|-----|----|
| | X |

- 18** Did the corporation receive assets in a section 351 transfer in which any of the transferred assets had a fair market basis or fair market value of more than \$1 million?

| Yes | No |
|-----|----|
| | X |

- 19** During the corporation's tax year, did the corporation make any payments that would require it to file Forms 1042 and 1042-S under chapter 3 (sections 1441 through 1464) or chapter 4 (sections 1471 through 1474) of the Code?

| Yes | No |
|-----|----|
| | X |

Form 1120 (2016)

| Schedule L Balance Sheets per Books | | Beginning of tax year | | End of tax year | |
|---|--|-----------------------|----------|-----------------|----------|
| Assets | | (a) | (b) | (c) | (d) |
| 1 | Cash | | 206. | | |
| 2a | Trade notes and accounts receivable | 81,200. | | 165,200. | 16,869. |
| b | Less allowance for bad debts | () | 81,200. | () | |
| 3 | Inventories | | 39,594. | | 165,200. |
| 4 | U.S. government obligations | | | | 49,594. |
| 5 | Tax-exempt securities (see instructions) | | | | |
| 6 | Other current assets (attach statement) | | 109,728. | | 110,728. |
| 7 | Loans to shareholders | | | | |
| 8 | Mortgage and real estate loans | | | | |
| 9 | Other investments (attach statement) | | | | |
| 10a | Buildings and other depreciable assets | 322,960. | | 322,960. | |
| b | Less accumulated depreciation | (288,421.) | 34,539. | (321,555.) | |
| 11a | Depletable assets | | | | 1,405. |
| b | Less accumulated depletion | () | | () | |
| 12 | Land (net of any amortization) | | | | |
| 13a | Intangible assets (amortizable only) | 71,519. | | 71,519. | |
| b | Less accumulated amortization | (23,840.) | 47,679. | (28,608.) | |
| 14 | Other assets (attach statement) | | | | 42,911. |
| 15 | Total assets | | 312,946. | | 386,707. |
| Liabilities and Shareholders' Equity | | | | | |
| 16 | Accounts payable | | | | |
| 17 | Mortgages, notes, bonds payable in less than 1 year | | | | |
| 18 | Other current liabilities (attach statement) | | 26,503. | | 26,777. |
| 19 | Loans from shareholders | | 242,960. | | 290,778. |
| 20 | Mortgages, notes, bonds payable in 1 year or more | | | | |
| 21 | Other liabilities (attach statement) | | | | |
| 22 | Capital stock: a Preferred stock | | | | |
| | b Common stock | 60,000. | 60,000. | 60,000. | 60,000. |
| 23 | Additional paid-in capital | | | | |
| 24 | Retained earnings—Appropriated (attach statement) | | | | |
| 25 | Retained earnings—Unappropriated | | -16,517. | | 9,152. |
| 26 | Adjustments to shareholders' equity (attach statement) | | | | |
| 27 | Less cost of treasury stock | | () | | () |
| 28 | Total liabilities and shareholders' equity | | 312,946. | | 386,707. |

Schedule M-1 Reconciliation of Income (Loss) per Books With Income per Return

Note: The corporation may be required to file Schedule M-3. See instructions.

| | | | | | |
|---|---|---------|----|--|---------|
| 1 | Net income (loss) per books | 25,669. | 7 | Income recorded on books this year not included on this return (itemize): | |
| 2 | Federal income tax per books | 1,284. | | Tax-exempt interest \$ | |
| 3 | Excess of capital losses over capital gains | | | | |
| 4 | Income subject to tax not recorded on books this year (itemize): | | | | |
| 5 | Expenses recorded on books this year not deducted on this return (itemize): | | 8 | Deductions on this return not charged against book income this year (itemize): | |
| a | Depreciation \$ | | | a Depreciation \$ | |
| b | Charitable contributions \$ | | | b Charitable contributions \$ | |
| c | Travel and entertainment \$ | | | | |
| 6 | Add lines 1 through 5 | 26,953. | 9 | Add lines 7 and 8 | |
| | | | 10 | Income (page 1, line 28)—line 6 less line 9 | 26,953. |

Schedule M-2 Analysis of Unappropriated Retained Earnings per Books (Line 25, Schedule L)

| | | | | | |
|---|------------------------------|----------|---|---|--------|
| 1 | Balance at beginning of year | -16,517. | 5 | Distributions: a Cash | |
| 2 | Net income (loss) per books | 25,669. | | b Stock | |
| 3 | Other increases (itemize): | | | c Property | |
| | | | 6 | Other decreases (itemize): | |
| 4 | Add lines 1, 2, and 3 | 9,152. | 7 | Add lines 5 and 6 | |
| | | | 8 | Balance at end of year (line 4 less line 7) | 9,152. |

Form **1125-A**

(Rev. October 2016)

Department of the Treasury
Internal Revenue Service

Name

Cost of Goods Sold▶ Attach to Form 1120, 1120-C, 1120-F, 1120S, 1065, or 1065-B.
▶ Information about Form 1125-A and its instructions is at www.irs.gov/form1125a.

OMB No. 1545-0123

EAST WEST PRINTING INC

Employer identification number

27-4311656

| | | | | |
|---|--|--|---|--------|
| 1 | Inventory at beginning of year | | 1 | 39,594 |
| 2 | Purchases | | 2 | 10,000 |
| 3 | Cost of labor | | 3 | |
| 4 | Additional section 263A costs (attach schedule) | | 4 | |
| 5 | Other costs (attach schedule) | | 5 | |
| 6 | Total. Add lines 1 through 5 | | 6 | 49,594 |
| 7 | Inventory at end of year | | 7 | 49,594 |
| 8 | Cost of goods sold. Subtract line 7 from line 6. Enter here and on Form 1120, page 1, line 2 or the appropriate line of your tax return. See instructions | | 8 | 0 |

9a Check all methods used for valuing closing inventory:

(i) ☒ Cost

(ii) ☐ Lower of cost or market

(iii) ☐ Other (Specify method used and attach explanation.) ▶

b Check if there was a writedown of subnormal goods

c Check if the LIFO inventory method was adopted this tax year for any goods (if checked, attach Form 970) ▶ ☐

d If the LIFO inventory method was used for this tax year, enter amount of closing inventory computed under LIFO ▶ ☐

e If property is produced or acquired for resale, do the rules of section 263A apply to the entity? See instructions **9d** ☐ Yes ☒ No

f Was there any change in determining quantities, cost, or valuations between opening and closing inventory? If "Yes," attach explanation ☐ Yes ☒ No

Section references are to the Internal Revenue Code unless otherwise noted.

General Instructions**Purpose of Form**

Use Form 1125-A to calculate and deduct cost of goods sold for certain entities.

Who Must File

Filers of Form 1120, 1120-C, 1120-F, 1120S, 1065, or 1065-B, must complete and attach Form 1125-A if the applicable entity reports a deduction for cost of goods sold.

Inventories

Generally, inventories are required at the beginning and end of each tax year if the production, purchase, or sale of merchandise is an income-producing factor. See Regulations section 1.471-1. If inventories are required, you generally must use an accrual method of accounting for sales and purchases of inventory items.

Exception for certain taxpayers. If you are a qualifying taxpayer or a qualifying small business taxpayer (defined below), you can adopt or change your accounting method to account for inventoriable items in the same manner as materials and supplies that are not incidental.

Under this accounting method, inventory costs for raw materials purchased for use in producing finished goods and merchandise purchased for resale are deductible in the year the finished goods or merchandise are sold (but not before the year you paid for the raw materials or merchandise, if you are also using the cash method).

If you account for inventoriable items in the same manner as materials and supplies that are not incidental, you can currently deduct expenditures for direct labor and all indirect costs that would otherwise be included in inventory costs. See the instructions for lines 2 and 7.

For additional guidance on this method of accounting, see Pub. 538, Accounting Periods and Methods. For guidance on adopting or changing to this method of accounting, see Form 3115, Application for Change in Accounting Method, and its instructions.

Qualifying taxpayer. A qualifying taxpayer is a taxpayer that, (a) for each prior tax year ending after December 16, 1998, has average annual gross receipts of \$1 million or less for the 3 prior tax years, and (b) its business is not a tax shelter (as defined in section 448(d)(3)). See Rev. Proc. 2001-10, 2001-2 I.R.B. 272.**Qualifying small business taxpayer.** A qualifying small business taxpayer is a taxpayer that, (a) for each prior tax year

ending on or after December 31, 2000, has average annual gross receipts of \$10 million or less for the 3 prior tax years, (b) whose principal business activity is not an ineligible activity, and (c) whose business is not a tax shelter (as defined in section 448(d)(3)). See Rev. Proc. 2002-28, 2002-18 I.R.B. 815.

Uniform capitalization rules. The uniform capitalization rules of section 263A generally require you to capitalize, or include in inventory, certain costs incurred in connection with the following.

- The production of real property and tangible personal property held in inventory or held for sale in the ordinary course of business.
- Real property or personal property (tangible and intangible) acquired for resale.
- The production of real property and tangible personal property by a corporation for use in its trade or business or in an activity engaged in for profit.

See the discussion on section 263A uniform capitalization rules in the instructions for your tax return before completing Form 1125-A. Also see Regulations sections 1.263A-1 through 1.263A-3. See Regulations section 1.263A-4 for rules for property produced in a farming business.

▶ Attach to Form 1120.
▶ See instructions on page 2.

OMB No. 1545-0123

EAST WEST PRINTING INC

Employer identification number (EIN)

27-4311656

Part I

Certain Entities Owning the Corporation's Voting Stock. (Form 1120, Schedule K, Question 4a). Complete columns (i) through (v) below for any foreign or domestic corporation, partnership (including any entity treated as a partnership), trust, or tax-exempt organization that owns directly 20% or more, or owns, directly or indirectly, 50% or more of the total voting power of all classes of the corporation's stock entitled to vote (see instructions).

[illegible]

Part II

Certain Individuals and Estates Owning the Corporation's Voting Stock. (Form 1120, Schedule K, Question 4b). Complete columns (i) through (iv) below for any individual or estate that owns directly 20% or more, or owns, directly or indirectly, 50% or more of the total voting power of all classes of the corporation's stock entitled to vote (see instructions).

[illegible]

Form **4562****Depreciation and Amortization**
(Including Information on Listed Property)

OMB No. 1545-0172

2016Attachment
Sequence No. **179**Department of the Treasury
Internal Revenue Service (99)▶ Attach to your tax return.
▶ Information about Form 4562 and its separate instructions is at www.irs.gov/form4562.

Name(s) shown on return

Business or activity to which this form relates

Identifying number

EAST WEST PRINTING INC

Form 1120 Line 20

27-4311656

Part I Election To Expense Certain Property Under Section 179**Note:** If you have any listed property, complete Part V before you complete Part I.

| | | | |
|----|---|------------------------------|------------------|
| 1 | Maximum amount (see instructions) | 1 | 500,000. |
| 2 | Total cost of section 179 property placed in service (see instructions) | 2 | |
| 3 | Threshold cost of section 179 property before reduction in limitation (see instructions) | 3 | 2,010,000. |
| 4 | Reduction in limitation. Subtract line 3 from line 2. If zero or less, enter -0- | 4 | |
| 5 | Dollar limitation for tax year. Subtract line 4 from line 1. If zero or less, enter -0-. If married filing separately, see instructions | 5 | |
| 6 | (a) Description of property | (b) Cost (business use only) | (c) Elected cost |
| 7 | Listed property. Enter the amount from line 29 | 7 | |
| 8 | Total elected cost of section 179 property. Add amounts in column (c), lines 6 and 7 | 8 | |
| 9 | Tentative deduction. Enter the smaller of line 5 or line 8 | 9 | |
| 10 | Carryover of disallowed deduction from line 13 of your 2015 Form 4562 | 10 | |
| 11 | Business income limitation. Enter the smaller of business income (not less than zero) or line 5 (see instructions) | 11 | |
| 12 | Section 179 expense deduction. Add lines 9 and 10, but don't enter more than line 11 | 12 | |
| 13 | Carryover of disallowed deduction to 2017. Add lines 9 and 10, less line 12 ▶ | 13 | |

Note: Don't use Part II or Part III below for listed property. Instead, use Part V.**Part II Special Depreciation Allowance and Other Depreciation (Don't include listed property.) (See instructions.)**

| | | | |
|----|---|----|--|
| 14 | Special depreciation allowance for qualified property (other than listed property) placed in service during the tax year (see instructions) | 14 | |
| 15 | Property subject to section 168(f)(1) election | 15 | |
| 16 | Other depreciation (including ACRS) | 16 | |

Part III MACRS Depreciation (Don't include listed property.) (See instructions.)**Section A**

| | | | |
|----|--|----|---------|
| 17 | MACRS deductions for assets placed in service in tax years beginning before 2016 | 17 | 33,134. |
| 18 | If you are electing to group any assets placed in service during the tax year into one or more general asset accounts, check here <input type="checkbox"/> | | |

Section B—Assets Placed in Service During 2016 Tax Year Using the General Depreciation System

| (a) Classification of property | (b) Month and year placed in service | (c) Basis for depreciation (business/investment use only—see instructions) | (d) Recovery period | (e) Convention | (f) Method | (g) Depreciation deduction |
|--------------------------------|--------------------------------------|--|---------------------|----------------|------------|----------------------------|
| 19a 3-year property | | | | | | |
| b 5-year property | | | | | | |
| c 7-year property | | | | | | |
| d 10-year property | | | | | | |
| e 15-year property | | | | | | |
| f 20-year property | | | | | | |
| g 25-year property | | | 25 yrs. | | S/L | |
| h Residential rental property | | | 27.5 yrs. | MM | S/L | |
| i Nonresidential real property | | | 27.5 yrs. | MM | S/L | |
| | | | 39 yrs. | MM | S/L | |
| | | | | MM | S/L | |

Section C—Assets Placed in Service During 2016 Tax Year Using the Alternative Depreciation System

| | | | | | | |
|----------------|--|--|---------|----|-----|--|
| 20a Class life | | | | | S/L | |
| b 12-year | | | 12 yrs. | | S/L | |
| c 40-year | | | 40 yrs. | MM | S/L | |

Part IV Summary (See instructions.)

| | | | |
|----|---|----|---------|
| 21 | Listed property. Enter amount from line 28 | 21 | |
| 22 | Total. Add amounts from line 12, lines 14 through 17, lines 19 and 20 in column (g), and line 21. Enter here and on the appropriate lines of your return. Partnerships and S corporations—see instructions | 22 | 33,134. |
| 23 | For assets shown above and placed in service during the current year, enter the portion of the basis attributable to section 263A costs | 23 | |

Form 4562 (2016)

Page 2

Part V Listed Property (include automobiles, certain other vehicles, certain aircraft, certain computers, and property used for entertainment, recreation, or amusement.)**Note:** For any vehicle for which you are using the standard mileage rate or deducting lease expense, complete **only** 24a, 24b, columns (a) through (c) of Section A, all of Section B, and Section C if applicable.**Section A—Depreciation and Other Information (Caution: See the instructions for limits for passenger automobiles.)****24a** Do you have evidence to support the business/investment use claimed? ☐ Yes ☐ No **24b** If "Yes," is the evidence written? ☐ Yes ☐ No

| (a) Type of property (list vehicles first) | (b) Date placed in service | (c) Business/investment use percentage | (d) Cost or other basis | (e) Basis for depreciation (business/investment use only) | (f) Recovery period | (g) Method/Convention | (h) Depreciation deduction | (i) Elected section 179 cost |
|--|-------------------------------|---|----------------------------|--|------------------------|--------------------------|-------------------------------|---------------------------------|
| 25 Special depreciation allowance for qualified listed property placed in service during the tax year and used more than 50% in a qualified business use (see instructions) . 25 | | | | | | | | |
| 26 Property used more than 50% in a qualified business use: | | | | | | | | |
| | | % | | | | | | |
| | | % | | | | | | |
| | | % | | | | | | |
| 27 Property used 50% or less in a qualified business use: | | | | | | | | |
| | | % | | | | S/L - | | |
| | | % | | | | S/L - | | |
| | | % | | | | S/L - | | |
| 28 Add amounts in column (h), lines 25 through 27. Enter here and on line 21, page 1 . 28 | | | | | | | | |
| 29 Add amounts in column (i), line 26. Enter here and on line 7, page 1 . 29 | | | | | | | | |

Section B—Information on Use of Vehicles

Complete this section for vehicles used by a sole proprietor, partner, or other "more than 5% owner," or related person. If you provided vehicles to your employees, first answer the questions in Section C to see if you meet an exception to completing this section for those vehicles.

| | (a) Vehicle 1 | | (b) Vehicle 2 | | (c) Vehicle 3 | | (d) Vehicle 4 | | (e) Vehicle 5 | | (f) Vehicle 6 | |
|--|------------------|----|------------------|----|------------------|----|------------------|----|------------------|----|------------------|----|
| 30 Total business/investment miles driven during the year (don't include commuting miles) . | | | | | | | | | | | | |
| 31 Total commuting miles driven during the year | | | | | | | | | | | | |
| 32 Total other personal (noncommuting) miles driven | | | | | | | | | | | | |
| 33 Total miles driven during the year. Add lines 30 through 32 | | | | | | | | | | | | |
| 34 Was the vehicle available for personal use during off-duty hours? | Yes | No | Yes | No | Yes | No | Yes | No | Yes | No | Yes | No |
| 35 Was the vehicle used primarily by a more than 5% owner or related person? | | | | | | | | | | | | |
| 36 Is another vehicle available for personal use? | | | | | | | | | | | | |

Section C—Questions for Employers Who Provide Vehicles for Use by Their Employees

Answer these questions to determine if you meet an exception to completing Section B for vehicles used by employees who aren't more than 5% owners or related persons (see instructions).

| | Yes | No |
|--|-----|----|
| 37 Do you maintain a written policy statement that prohibits all personal use of vehicles, including commuting, by your employees? | | |
| 38 Do you maintain a written policy statement that prohibits personal use of vehicles, except commuting, by your employees? See the instructions for vehicles used by corporate officers, directors, or 1% or more owners | | |
| 39 Do you treat all use of vehicles by employees as personal use? | | |
| 40 Do you provide more than five vehicles to your employees, obtain information from your employees about the use of the vehicles, and retain the information received? | | |
| 41 Do you meet the requirements concerning qualified automobile demonstration use? (See instructions.) | | |

Note: If your answer to 37, 38, 39, 40, or 41 is "Yes," don't complete Section B for the covered vehicles.**Part VI Amortization**

| (a) Description of costs | (b) Date amortization begins | (c) Amortizable amount | (d) Code section | (e) Amortization period or percentage | (f) Amortization for this year |
|--|---------------------------------|---------------------------|---------------------|--|-----------------------------------|
| 42 Amortization of costs that begins during your 2016 tax year (see instructions): | | | | | |
| | | | | | |
| 43 Amortization of costs that began before your 2016 tax year 43 4,768. | | | | | |
| 44 Total. Add amounts in column (f). See the instructions for where to report 44 4,768. | | | | | |

Form 1120
Schedule L

Other Assets

2016

Name as Shown on Return
EAST WEST PRINTING INCEmployer Identification No.
27-4311656

Note: The expanding tables below will **not** print with the corporation's tax return if the box is checked below Question 13, Schedule K, Form 1120, page 4, to suspend the calculations of Schedules L, M-1 and M-2.

| Other Current Assets: | Beginning of tax year | End of tax year |
|---|-----------------------|-----------------|
| Loan to Other | 109,728. | 108,728. |
| Undeposited Funds | | 2,000. |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| Totals to Form 1120, Schedule L, line 6 ▶ | 109,728. | 110,728. |

| Other Investments: | Beginning of tax year | End of tax year |
|---|-----------------------|-----------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| Totals to Form 1120, Schedule L, line 9 ▶ | | |

| Other Assets: | Beginning of tax year | End of tax year |
|--|-----------------------|-----------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| Totals to Form 1120, Schedule L, line 14 ▶ | | |

**Form 1120
Schedule L****Other Liabilities
and Adjustments to Shareholders' Equity****2016**Name
EAST WEST PRINTING INCEmployer Identification No.
27-4311656

Note: The expanding tables below will **not** print with the corporation's tax return if the box is checked below Question 13, Schedule K, Form 1120, page 4, to suspend the calculations of Schedules L, M-1 and M-2.

| Other Current Liabilities: | Beginning of tax year | End of tax year |
|--|--------------------------|--------------------|
| Payroll Liabilities | 26,503. | 26,777. |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| Totals to Form 1120, Schedule L, line 18 ▶ | 26,503. | 26,777. |

| Other Liabilities: | Beginning of tax year | End of tax year |
|--|--------------------------|--------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| Totals to Form 1120, Schedule L, line 21 ▶ | | |

| Retained Earnings – Appropriated: | Beginning of tax year | End of tax year |
|--|--------------------------|--------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| Totals to Form 1120, Schedule L, line 24 ▶ | | |

| Adjustments to Shareholders' Equity: | Beginning of tax year | End of tax year |
|--|--------------------------|--------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| Totals to Form 1120, Schedule L, line 26 ▶ | | |

Form 1120, Line 29a

Net Operating Loss Worksheet

2016

| | |
|--------------------------------|--|
| Name EAST WEST PRINTING INC | Employer Identification Number 27-4311656 |
|--------------------------------|--|

CURRENT LAW: Two year carryback, twenty year carryover

| NOL Carryover Year | A Carryover | B Less Carrybacks/ Carryovers | C Adjusted Carryover |
|--------------------------|----------------|--|----------------------------|
| 2015 | | | |
| 2014 | | | |
| 2013 | | | |
| 2012 | 18,392. | | 18,392. |
| 2011 | | | |
| 2010 | | | |
| 2009 | | | |
| 2008 | | | |
| 2007 | | | |
| 2006 | | | |
| 2005 | | | |
| 2004 | | | |
| 2003 | | | |
| 2002 | | | |
| 2001 | | | |
| 2000 | | | |
| 1999 | | | |
| 1998 | | | |
| 1997 | | | |
| Total new law | 18,392. | | 18,392. |

OLD LAW: Three year carryback, fifteen year carryover

| NOL Carryover Year | A Carryover | B Less Carrybacks/ Carryovers | C Adjusted Carryover |
|--------------------------|----------------|--|----------------------------|
| 2011 | | | |
| 2010 | | | |
| 2009 | | | |
| 2008 | | | |
| 2007 | | | |
| 2006 | | | |
| 2005 | | | |
| 2004 | | | |
| 2003 | | | |
| 2002 | | | |
| 2001 | | | |
| 2000 | | | |
| 1999 | | | |
| 1998 | | | |
| 1997 | | | |
| Total old law | | | |

EAST WEST PRINTING INC

27-4311656

Net Operating Loss Summary

| NOL Carryover Year | A NOL Carryover Available | B Deduction Allowed in Current Year | C Adjustment Under Section 172(b)(2) | D Remaining Carryover 20 Years | E Remaining Carryover 15 Years* |
|--|--|--|---|---|--|
| 2015 | | | | | |
| 2014 | | | | | |
| 2013 | | | | | |
| 2012 | 18,392. | 18,392. | | | |
| 2011 | | | | | |
| 2010 | | | | | |
| 2009 | | | | | |
| 2008 | | | | | |
| 2007 | | | | | |
| 2006 | | | | | |
| 2005 | | | | | |
| 2004 | | | | | |
| 2003 | | | | | |
| 2002 | | | | | |
| 2001 | | | | | |
| 2000 | | | | | |
| 1999 | | | | | |
| 1998 | | | | | |
| 1997 | | | | | |
| Totals | 18,392. | 18,392. | | | |
| Less: Carryover expiring due to 15-year limitation | | | | | |
| Add: Current year net operating loss | | | | | |
| Less: Carryback of current year net operating loss | | | | | |
| Net operating loss carryover to next year. | | | | | |

* The 15 year carryover based on the Old Law reached it's final carryover year.

EAST WEST PRINTING INC

274311656

1

Additional information from your 2016 Federal Corporation Tax Return**Form 1120: US Corporation Income Tax Return****Other Deductions****Continuation Statement**

| Description | Amount |
|------------------------------|-----------------|
| AMORTIZATION | 4,768. |
| AUTOMOBILE AND TRUCK EXPENSE | 15,600. |
| BANK CHARGES | 2,643. |
| SUPPLIES | 101,639. |
| TELEPHONE | 4,953. |
| UTILITIES | 55,650. |
| NEWSPRINT | 566,397. |
| Total | 751,650. |

Exhibit 5 – Affidavit from Yopie Sieong submitted in support of NOID Response

EAST WEST PRINTING INC.
133-30 32ND AVE., FLUSHING, NEW YORK 11354
TEL: 718-461-4612

Jan 5, 2018

United States Citizenship & Immigration Services
NEBRASKA SERVICE CENTER
P.O. Box 82521
Lincoln, NE 68501-2521

Re: Baha ZURRIANTO
File No: SRC-15-902-43766

Dear Sir/Madam:

In response to the Service's Intent to Deny the I-140 Immigrant Petition for Alien Worker filed on behalf of our above-named employee, we wish to highlight the following and request your kind reconsideration:

ETA FORM 9089 – Part C, Question 9

It is submitted and affirmed that the alien, does not have any ownership interest or any familial relationship between the owners, stockholder, partners, corporate officers, incorporators of the employing entity, East West Printing Inc. d/b/a 5 Stars Offset Printing.

In evidence of the ownership from date of incorporation to present, we submit:

- 1) NYS Department of State, Division of Corporations – which endorses the date of incorporation of December 201, 2010 and the 2 Corporate Officers—Godfrey Wong, CEO & Yopie Sioeng, Principal Executive Officer
- 2) **Stock Certificate #1 – all 200 shares of East West Printing Inc. are held by me, Yopie Sioeng – rendering this a sole ownership of the sponsoring business corporation**
- 3) Corporate Tax Returns—2016, 2015 – 100% ownership by Yopie Sioeng

It is respectfully submitted and affirmed that alien, does not have any ownership interest or any familial relationship between the owners, stockholder, partners, corporate officers, incorporators of the H-1B employer, International Daily News Inc. This corporation is wholly-owned by Sioeng's Group Inc. which is wholly-owned by six siblings, Jessica Elnitiarta, Laureen Elnitiarta, Sandra Elnitiarta, Sundari Elnitiarta, Yaohan Elnitiarta and Yopie Elnitiarta.

In evidence of this ownership, we present:

- 1) Articles of Incorporation of International Daily News & State of California Domestic Stock Corporation
- 2) Letter by Jude Wong, CPA or Lam, Robinson & Company, attesting to the corporate ownership
- 3) Corporate Tax Return—confirming the Corporation's Voting Stock and Estates owning the Corporation Voting Stock

Residential Address: 1816 S Gladys Avenue, San Gabriel, CA 91716

Baha Zurrianto has subleased one-bedroom unit at the above address from October 2016 to December 2017 at a monthly rate of \$800. Mr. Zurrianto previously resided at: 1421 College View Drive, Apt. #22, Monterey Park, CA 91754 from December 2009 to December 2013 and at 210 E Emerson Avenue, Monterey Park, CA 91754 from December 2009 to September 2016.

This has never been a shared residential address and no family relationship ever existed between the employer or employees and the beneficiary.

My residential address from 2003 to present is 1040 Hampton Road, Arcadia, CA 91006, a house that I purchased in August 2001. I was residing in Hong Kong at 1D, Tower 2, Robinson Place, 70 Robinson Road, Mid-levels, Hong Kong. I got married on December 23, 2001 and moved to the United States in the summer of 2003. While I was in Hong Kong I had used my new mother-in-law's address for my credit card and bank statements for safe delivery. This property is where Mr. Zurrianto now resides but which has never been my personal residence.

In evidence of Mr. Zurrianto's current leased address, which is solely a business relationship and not one related by blood or financial or marriage or friendship to the employer as well as his former addresses, please refer to the following:

- 1) Rent payment – canceled checks of this past year – i.e. January to November 2017.
- 2) Baha Zurrianto's Driver's License which endorsed his prior home address.

**Job Offer of the Labor Certification:
Mechanical Engineer, Basysprint Specialist.**

Basysprint

The Basysprint UV-Setter is a CtP platesetter for digital imaging of conventional offset-printing plates. This is a unique machine in that it works with low cost UV-sensitive conventional plates instead of digital CtP plates. We currently use the Basysprint to output 4000 plates per month. The plates are used on our Goss printing press to print four (4) daily papers and over twelve (12) weekly papers.

The Basysprint UV setter is not an easy equipment to operate. Though learning to operate this machine is itself difficult, it is even more demanding to troubleshoot problems and being able to fix it in a timely manner so our customers can get their papers in a timely manner. This is an equipment that requires the services of a highly specialized individual whose services cannot be readily found.

Please refer to attached pictures of the Basysprint UV-setter with a video link for better understanding at: <https://www.youtube.com/watch?v=TMhW3gsATQU>

Specialty Job

As set forth in the labor certification this specialty occupation of Mechanical Engineer, Basysprint machine, is consistent with the following duties:

- Maintain, repair and troubleshoot Basysprint, Computer-to-Plate (CTP) Machine.
- Plan and analyze new equipment capacity, capability, and interfacing compatibility issues and read blueprints and schematics.
- Supervise the installation and testing of new printing machine.
- Research and test feasibility, design, operation, and performance of Basysprint machine equipment and components.
- Analyze and troubleshoot problems with Basysprint machine and repair and/or replace damaged components directly as well as supervise the repair and replacement of the components.
- Consult with machine supplier repairs and other engineering related issues.
- Test new configuration of Basysprint printing machine and provide recommendations to management as to the cost effectiveness of repairing old machine or purchasing new machine.

To operate the Basysprint machine successfully, we require the services of someone with any suitable combination of education, training or experience as endorsed in the labor certification of:

Either:

Master's Degree in Mechanical Engineering + 1 year mechanical engineering experience working with Basysprint computer-to-plate machines

Or, alternatively

Bachelor's Degree in Mechanical Engineering + 5 years of mechanical engineering experience work with Basysprint computer-to-plate machines.

The beneficiary qualifies for the position in that he holds the alternative qualification, classifiable under EB-2 for a member of the profession holding an advanced degree –

- Bachelor's Degree in Mechanical Engineering as attested to by Morningside Evaluations and Consulting (New York)

- 5 years of mechanical engineering experience working with Basysprint computer-to-plate machine, with experience in Adobe CS-3-CS5 including Photoshop, Indesign, Harlequin RIP, and BCC mailing software – all attested to in the letter by Andrew Loi, Supervisor at International Daily News.

We have clearly demonstrated that the **beneficiary meets all of the requirements of EB-2 advanced degree classification as a qualified immigrant who is a member of the professional holding an advanced degree or the equivalent of by nature of the Bachelor Degree and 5 years work experience.**

Emphasis is also placed on the July 25, 2016 Request for Evidence in which the Service requested evidence to establish eligibility of:

- The position qualifies for the classification requested (EB-2)
- The beneficiary is qualified for the position...

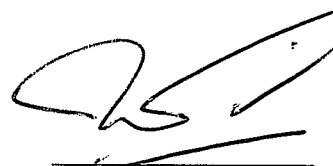
In our response to that request we provided the Service with numerous documents clearly showing that this is a highly specialized job and that the beneficiary is aptly qualified. For ready reference, we submit a copy of evidence previously provided.

Professionally qualified with a baccalaureate degree in Mechanical Engineering and more than five years of experience working with Basysprint computer-to-plate machines, Baha Zurrianto is ideally qualified to meet the demands and criteria of the job requirements. The duties of the job offer are highly technical and cannot be carried out by someone who has not had higher formal educational preparation and experience with this type of plate-setter for digital imaging in the printing industry.

Given the dependability entrusted to us and the industry we serve, and given our integrity and reputation we request and would greatly appreciate your favorable review of this pending I-140 petition on behalf of Baha Zurrianto.

Thank you for your attention to and consideration in this matter.

Very truly yours,
East West Printing Inc,



Yopie Sioeng
President

Exhibit 6 – Canceled Checks for Rent Payment from January 2017 to December 2017 for Baha Zurrianto's Previous Residential Address submitted in support of NOID Response

12/21/2017

Wells Fargo

WELLS FARGO

Check Details

Check Number 395
 Date Posted 01/09/17
 Check Amount \$800.00


BAHA ZURRIANTO
 1421 COLLEGE VIEW DR APT 22
 MONTEREY PARK, CA 91754-6134

395
 15-2471220 4392
 8734918903

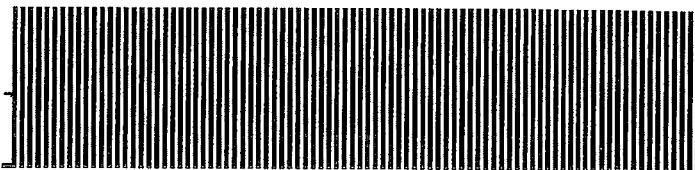
01/02/2017

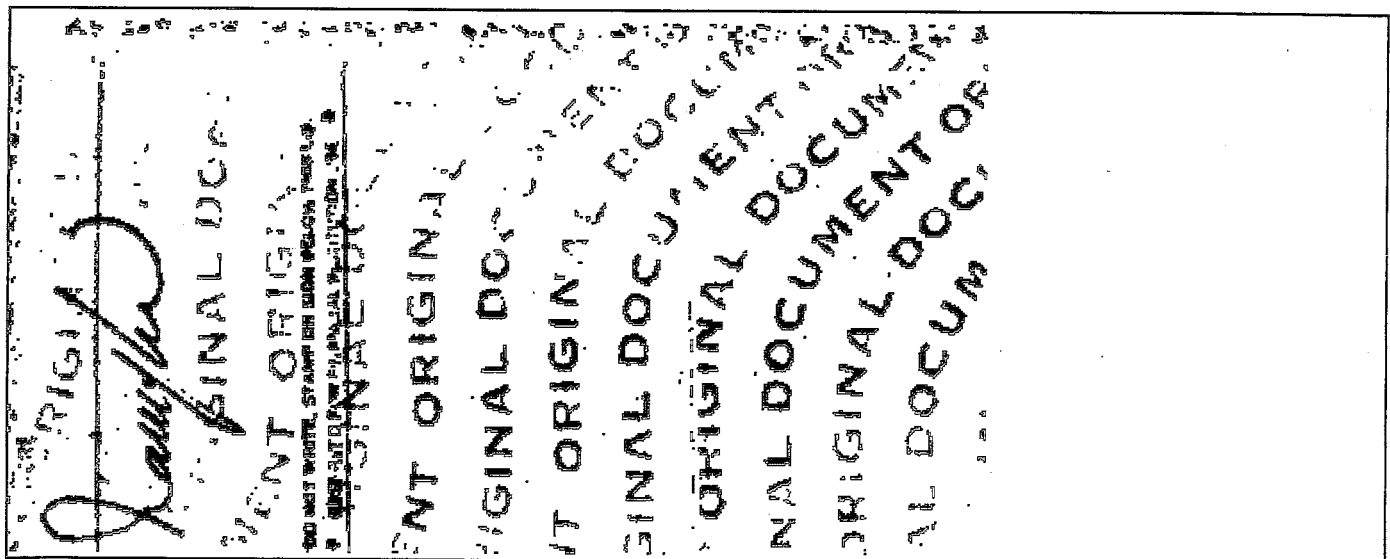
Pay to the Order of NANCY LA \$ 800.00

Eight Hundred only and 00/100 Dollars

 Wells Fargo Bank, N.A.
 California
 wells Fargo.com

For _____





*Note

The account number, signature, and endorsement are removed from the image(s) for security reasons. To obtain a full copy of the image, please call us at 1-800-TQ-WELLS (1-800-869-3557), 24 hours, 7 days a week.

 Equal Housing Lender

12/21/2017

Wells Fargo

WELLS FARGO

Check Details

Check Number 396
 Date Posted 02/21/17
 Check Amount \$800.00

BAHA ZURRIANTO
 1421 COLLEGE VIEW DR APT 22
 MONTEREY PARK, CA 91754-8134

396
 16-24/1220 4398
 8794919603

02/01/2017

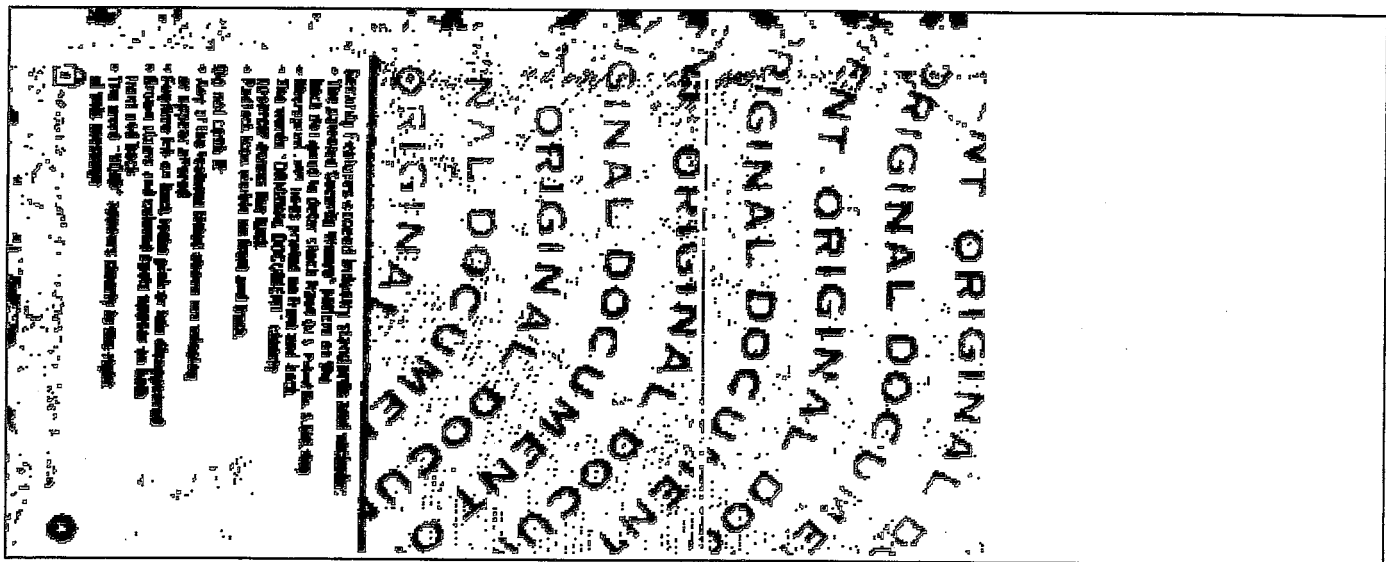
Pay to the Order of NANCY LA \$ 800.00

EIGHT HUNDRED ONLY and 00/100 Dollars

WELLS FARGO Wells Fargo Bank, N.A.
 California
 wells.fargo.com

For _____

1212200072702 A246918603



*Note

The account number, signature, and endorsement are removed from the image(s) for security reasons. To obtain a full copy of the image, please call us at 1-800-TO-WELLS (1-800-869-3557), 24 hours, 7 days a week.

Equal Housing Lender

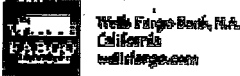
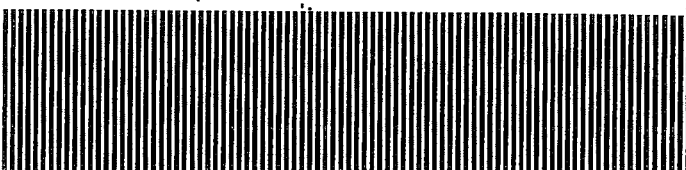
12/21/2017

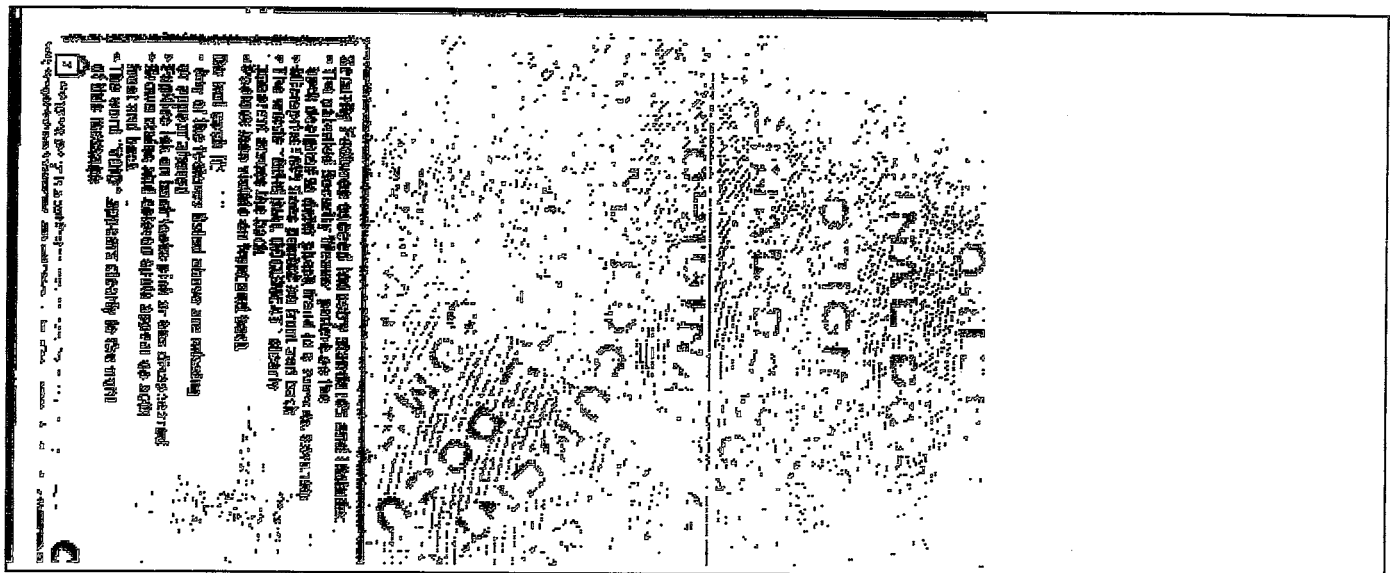
Wells Fargo

WELLS FARGO

Check Details

Check Number 397
 Date Posted 03/06/17
 Check Amount \$800.00

| | | |
|--|-----------------|---|
| BAHA ZURRIANTO 1421 COLLEGE VIEW DR APT 22 MONTEREY PARK, CA 91754-6134 | | 397 16-24/1280 4392 6734019603 |
| | | 03/01/2017 Date |
| Pay to the Order of | NANCY LA | \$ 800.00 |
| EIGHT HUNDRED ONLY | | Dollars |
|  | |  |
| For _____ | | |



*Note

The account number, signature, and endorsement are removed from the image(s) for security reasons. To obtain a full copy of the image, please call us at 1-800-TO-WELLS (1-800-869-3557), 24 hours, 7 days a week.

 Equal Housing Lender

WELLS FARGO

\$800.00

[illegible]

<https://connect.secure.wellsfargo.com/accounts/start?SAMLart=AAQBdeoEQCR14WDgSxaU4QNGCHpGcoS1msigWQX6oMtkaoI6bUAd125CyR8%3...> 1/1

12/21/2017

Wells Fargo

WELLS FARGO

Check Details

Check Number 411
 Date Posted 05/03/17
 Check Amount \$800.00

| | | |
|--|--|---|
| BAHA ZURRIANTO 1816 S GLADYS AVE SAN GABRIEL, CA 91776-3922 | | 411 18-24/1220 4392 8734818603 |
| D <u>05/01/2017</u> DATE | | |
| PAY TO THE ORDER OF <u>NANCY LA</u> | | <u>\$ 800.00</u> |
| <u>Eight hundred and 00/100 only</u> | | DOLLARS |
| | | |
| FOR _____ | | |

MICR LINE: ⑆121180782⑆ 05/03/2017 86689814843819⑆

*Note

The account number, signature, and endorsement are removed from the image(s) for security reasons. To obtain a full copy of the image, please call us at 1-800-TO-WELLS (1-800-869-3557), 24 hours, 7 days a week.

Equal Housing Lender


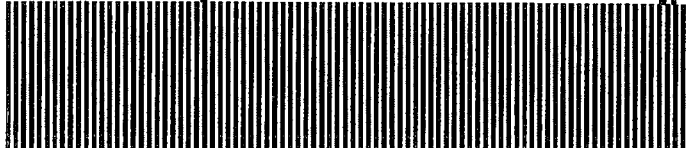
12/21/2017

Wells Fargo

WELLS FARGO

Check Details


Check Number 412
 Date Posted 06/12/17
 Check Amount \$800.00

| | | |
|---|---|---|
| BAHA ZURRIANTO 1818 S GLADYS AVE SAN GABRIEL, CA 91776-3822 | | 412 16-24/1220 4302 8704918893 |
| MY TO THE ORDER OF NANCY LA | | 06/01/2017 DATE |
| Eight Hundred and 00/100 only | | \$800.00 DOLLARS |
|  Wells Fargo Bank, N.A. California wells.fargo.com |  | |
| FOR _____ | | |

| | |
|--|---------------------|
| 122000247 3734715501 SAN GABRIEL, CA | 00412 2243120459 |
| Security Features exceed industry standards and include: • Watermark: 200 check number on back (17. 3. 215. 213) • The Security Watermark: pattern on back designed to deter fraud • Microprint: 125 dots per inch on front and back • The words "ON. 2017. 06. 01. 2017" across the back • Photo Safe Deposit: 100 visible on front and back | |
| Do not cash if: • Any of the features listed above are missing or appear altered • Forgery ink on back looks pink or red (not black) • Brown stains and colored spots appear on both front and back | |

*Note

The account number, signature, and endorsement are removed from the image(s) for security reasons. To obtain a full copy of the image, please call us at 1-800-TO-WELLS (1-800-869-3557), 24 hours, 7 days a week.

 Equal Housing Lender



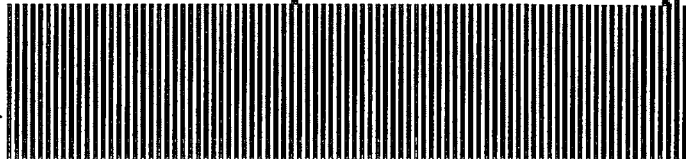
12/21/2017

Wells Fargo

WELLS FARGO

Check Details

Check Number 402
 Date Posted 07/25/17
 Check Amount \$800.00

| | | |
|---|--|---|
| BAHA ZURRIANTO 1816 S GLADYS AVE SAN GABRIEL, CA 91776-3922 | | 402 16-24/1220 4392 8734918906 |
| PAY TO THE ORDER OF NANCY LA | | 07/08/2017 DATE |
| Eight hundred and 00/100 only | | \$800.00 DOLLARS |
|  Wells Fargo Bank, N.A. California wells Fargo.com |  |  |

122000247 03402

8734918906

2247970079

Security Features exceed industry standards and include:


- Machine readable and exact number on back (item no. 9349382)
- True Security Weave: pattern on back designed to deter fraud
- Microprint: 007, when printed on front and back
- The words "ORIGINAL DOCUMENT" across the back
- Photo Safe Deposit: item visible on front and back

Do not cash if:

- Any of the features listed above are missing or appear altered
- Fugitive ink on back from a prior cash transaction
- Brown stains and colored spots appear on both front and back

*Note

The account number, signature, and endorsement are removed from the image(s) for security reasons. To obtain a full copy of the image, please call us at 1-800-TO-WELLS (1-800-869-3557), 24 hours, 7 days a week.

 Equal Housing Lender



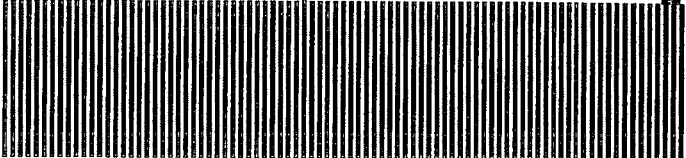
12/21/2017

Wells Fargo

WELLS FARGO

Check Details

Check Number 417
 Date Posted 08/30/17
 Check Amount \$800.00

| | | |
|---|--|---|
| BAHA ZURRIANTO 1816 S GLADYS AVE SAN GABRIEL, CA 91776-3922 | | 417 18-24/1220 4982 8734518005 |
| PAY TO THE ORDER OF NANCY LA | | \$ 800.00 |
| Eight Hundred and 00/100 only - DOLLARS | | DATE 08/08/2017 |
|  Wells Fargo Bank, N.A. California wells.fargo.com |  |  |

| | |
|--|---------------------|
| 123000347 3734918003 BAHAMURRIANTO | 00417 2246095862 |
|--|---------------------|

Security Features exceed industry standards and include:


- Matching portrait and ghost number on back (serial no. 1,007,000)
- The "Security Y-ears" markers on back designed to deter fraud
- Microprint (MP) lines printed on front and back
- The words "ORIGINAL DOCUMENT" across the back
- Portrait Size Depth - 1/4" visible on front and back

Do not cash if:

- Any of the features listed above are missing or appear altered
- Fugitive ink on back (left) pink or has disappeared
- Brown stains and colored smudges appear on both front and back

*Note

The account number, signature, and endorsement are removed from the image(s) for security reasons. To obtain a full copy of the image, please call us at 1-800-TO-WELLS (1-800-869-3557), 24 hours, 7 days a week.

 Equal Housing Lender


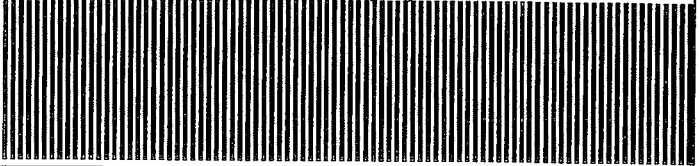
12/21/2017

Wells Fargo

WELLS FARGO

Check Details

Check Number 420
 Date Posted 09/05/17
 Check Amount \$800.00

| | | |
|--|---|---|
| BAHA ZURRIANTO 1816 S GLADYS AVE SAN GABRIEL, CA 91776-3522 | | 420 08/30/2017 15-24/1220 4392 8734918603 |
| PAY TO THE ORDER OF NANCY LA | | \$800.00 |
| EIGHT HUNDRED and 00/100 only | | DOLLARS |
|  Wells Fargo Bank, N.A. California wells.fargo.com |  | |
| FOR _____ | | |

28000249 00420

A734918603

BAHA ZURRIANTO

Security Features exceed industry standards and include:


- Matching account and check numbers on both sides of the check
- The Security Watermark pattern is back designed to deter fraud
- Microprint (M) lines printed on front and back
- The words ORIGINAL DOCUMENT across the back
- Photo Safe Deposits seen visible on front and back

Do not cash if:

- Any of the features listed above are missing or appear altered
- Fugitive ink on the back of the check is visible

*Note

The account number, signature, and endorsement are removed from the image(s) for security reasons. To obtain a full copy of the image, please call us at 1-800-TO-WELLS (1-800-869-3557), 24 hours, 7 days a week.

 Equal Housing Lender

12/21/2017

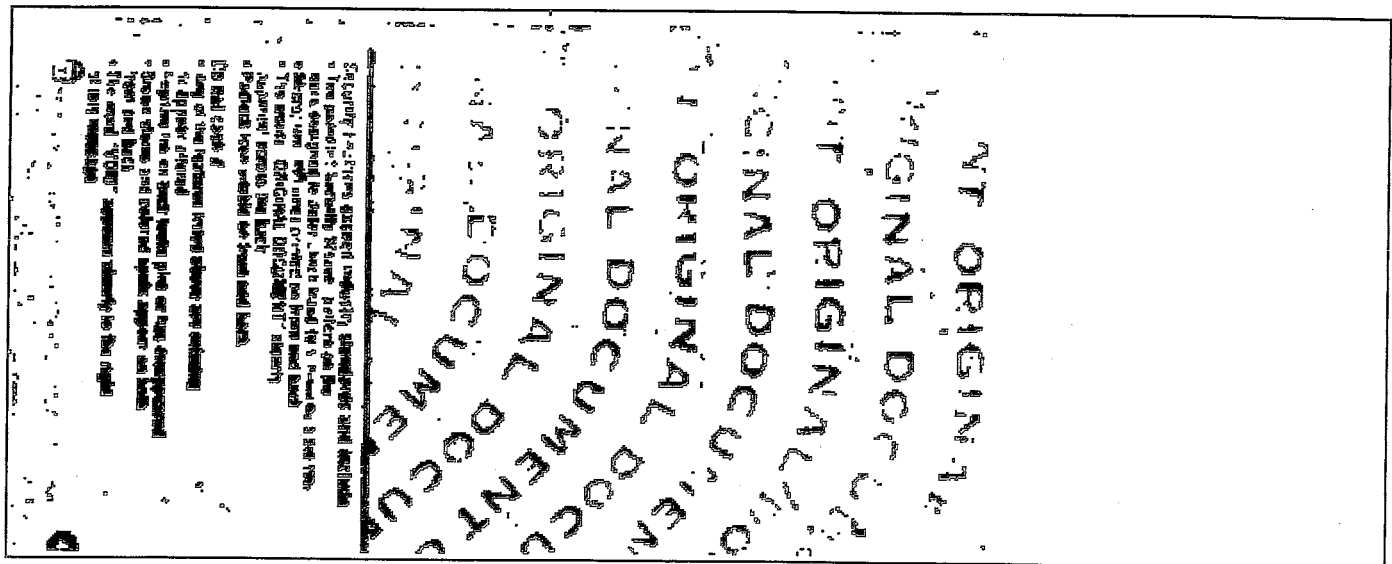
Wells Fargo

WELLS FARGO

Check Details

Check Number 371
 Date Posted 10/03/17
 Check Amount \$800.00

| | | |
|--|--|---|
| BAHA ZURRIANTO 1421 COLLEGE VIEW DR APT 22 MONTEREY PARK, CA 91754-6134 | | 371 16-24/1220-4392 8734916003 |
| Pay to the Order of <u>NANCY LA</u> | | <u>10/02/2017</u> |
| <u>EIGHT HUNDRED and 00/100</u> | | \$ <u>800.00</u> |
| Dollars | | |
| For _____ | | |



*Note

The account number, signature, and endorsement are removed from the image(s) for security reasons. To obtain a full copy of the image, please call us at 1-800-TO-WELLS (1-800-869-3557), 24 hours, 7 days a week.

Equal Housing Lender

Wells Fargo

Check Details


| | |
|--------------|----------|
| Check Number | 394 |
| Date Posted | 12/01/16 |
| Check Amount | \$800.00 |

BAHA ZURRIANTO
1421 COLLEGE VIEW DR APT 22
MONTEREY PARK, CA 91754-6134

394
15-24/1220 4382
8734818603

12/01/2016

Pay to the Order of Nancy Lee \$ 800.00
Eight hundred only Dollars

 Wells Fargo Bank, N.A.
California
wellsfargo.com

For _____

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*Note

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 Equal Housing Lender

Exhibit 7 – Baha Zurrianto's Driver's License with Previous Residential Address submitted in support of NOID Response



CALIFORNIA

DRIVER LICENSE

E1433419

CLASS: C

BAHAR ZURRIANTO

1421 COLLEGE VIEW DR APT 22
MONTEREY PARK CA 91754

SEX: M

HAIR: BLK

EYES: BRN

HT: 5-08

WT: 135

DOB: 12-15-76

Bahar Zurrianto
12/22/2009 511 12 FD/14



CALIFORNIA



EXPIRES 09-28

DRIVER LICENSE

E1433419

CLASS: C



BAHA ZURRIANTO
210 E EMERSON AVE
MONTEREY PARK CA 91754

SEX: M HAIR: BLK
HT: 5-08 WT: 135

EYES: BRN
DOB: 12-15-76

BAHA ZURRIANTO

12/18/2006 S91 01/B4 FD/10

Exhibit 8 – Affidavit from Yopie Sieong submitted in support of I-290B

STATE OF CALIFORNIA)
) ss:
COUNTY OF LOS ANGELES)

AFFIDAVIT

Yopie Sioeng duly sworn deposes and states:

THAT I currently reside at 1040 Hampton Road, Arcadia, California 91006, a house that I purchased in August 2001 and which has since remained my residence.

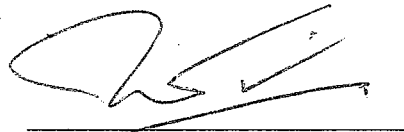
THAT I never shared a residential address with Baha Zurrianto.

THAT I am not related to Baha Zurrianto and that no family relationship exists between him and any member of my family.

THAT I am prepared to undergo DNA testing to provide further evidence that I have no "blood" relationship to Baha Zurrianto.

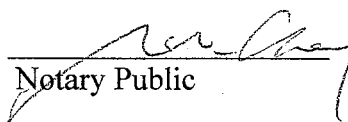
THAT the Labor Certification filed by my company East West Printing Inc. on behalf of the alien worker, Baha Zurrianto, is solely one of business necessity and that Mr. Zurrianto does not have any ownership interest or family relationship to the company.

I further acknowledge and attest that the information contained in this affidavit is true to be best of my knowledge and belief.



Yopie Sioeng

Sworn to before me this
31st day of January 2018



Notary Public

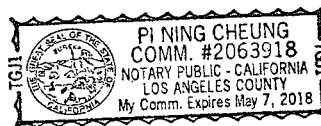


Exhibit 9 – Affidavit from Nancy La submitted in support of I-290B

STATE OF CALIFORNIA)
) ss:
COUNTY OF LOS ANGELES)

AFFIDAVIT

Nancy La duly sworn deposes and states:

THAT I currently reside at 1816 S Gladys Avenue, San Gabriel California 91776. This is a 6-bedroom house with large living and dining areas.

THAT Baha Zurrianto has been residing in a part of the house consisting of 2 bedrooms since October 1, 2016 to December 31, 2017

THAT Yopie Sioeng, who is my son-in-law has never resided in this house, though for some time while he was in Hong Kong and married to my daughter he had some of his mail directed to this address for my safe keeping and handling.

I attest that no family relationship exists between Baha Zurrianto and myself or between Yopie Sioeng, my son-in-law and Baha Zurrianto.

I further acknowledge and attest that the information contained in this affidavit is true to be best of my knowledge and belief.

Nancy La Feb 5, 2018
Nancy La

Sworn to before me this
5th day of January 2018
February

[Signature]
Notary Public

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.



State of California
County of Los Angeles
Subscribed and sworn to (or affirmed) before me
on this 5th day of February, 2018
by NANCY LA
proved to me on the basis of satisfactory evidence
to be the person(s) who appeared before me.
[Signature]
MICHAEL CHU, NOTARY PUBLIC